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ABSTRACT

This study analyzes major federal programs designed to provide services to children, from birth through age 2, who have developmental delays or a high probability of developmental delays, and their families. Programs were selected based on their provision of education or health-related services to infants and toddlers with handicaps and their families, and on the relevance of the program to policymakers working with Part H of Public Law 99-457, the Education of the Handicapped Act Amendments, 1986. The digest includes such programs as those legislated by the Education of the Handicapped Act, Head Start Act, Developmental Disabilities Assistance and Bill of Rights Act, and Bilingual Education Act. The study also contains a comparative analysis component, which compares the statutory language of the programs for their consistency or conflict with each other and with requirements of Part H. This section assesses the programs in seven areas: identification and evaluation; individualized service plan; case management services; parent training; procedural safeguards; advisory council; and other. A digest of selected provisions of 25 major federal programs affecting infants and toddlers with handicaps and their families is presented in an appendix. (JDD)

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A DIGEST AND COMPARATIVE ANALYSIS OF MAJOR FEDERAL PROGRAMS AFFECTING INFANTS AND TODDLERS WITH HANDICAPS AND THEIR FAMILIES

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TABLE OF CONTENTS

PAGE

I. INTRODUCTION 1

II. COMPARATIVE ANALYSIS AND STATUTORY LANGUAGE 6

- Identification and Evaluation 10
- Individualized Service Plan 27
- Case Management Services 43
- Parent Training 53
- Procedural Safeguards 65
- Advisory Councils 87
- Other 98

FIGURES

- Figure 1, Programs by Component 8-9
- Table 1, Matrix of Individualized Plan Components 32
- Table 2, Matrix of Functions of Case Management System 46
- Table 3, Matrix of Family Training Activities 56
- Table 4, Matrix of Procedural Safeguards 71
- Table 5, Matrix of Advisory Council Requirements 91

REFERENCES 109

APPENDIX: Digest of Selected Provisions of Major Federal Programs Affecting Infants and Toddlers with Handicaps and Their Families

I. INTRODUCTION

P.L. 99-457, the Education of the Handicapped Act Amendments of 1986, created the Handicapped Infants and Toddlers Program (EHA, Part H) which has as a primary purpose the provision of "financial assistance to states to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for handicapped infants and toddlers and their families." 20 U.S.C. Sec. 1471(b)(1). As noted by the Federal Interagency Coordinating Council (FICC) in its recent report, Meeting the Needs of Infants and Toddlers with Handicaps, "early intervention services have been a part of Federal efforts to assist individuals in need for many years. The Handicapped Infants and Toddlers Program challenges the nation to improve, expand, and coordinate those services so that the policy goal of statewide, comprehensive, coordinated, programs of early intervention services for all infants and toddlers with handicaps and their families can be achieved" (U.S. Departments of Education and Health and Human Services, 1988).

The purpose of this study is to further this goal by providing to policymakers an analysis of major Federal programs designed to provide services to the same population as that eligible for Part H -- children from birth through age two, who are experiencing developmental delays in cognitive development, physical development, language and speech development, psychosocial development, and/or self-help skills or those who have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay. At State discretion, eligible children may also include those from birth through age two who are at risk of having substantial developmental delays if early intervention services are not provided. Families of eligible children are also eligible for services.

This study is one of a number of activities being conducted by the Carolina Policy Studies Project to investigate Federal policies impacting families of infants and toddlers with handicaps. The objectives of the study are to both inform policymakers about programs designed to address families of young children with special needs and to assess across programs, their consistency or conflicts with each other and with selected requirements of the Part H program. As stated in the FICC report, "interagency coordination of funds and services for early intervention can only occur when accurate information is available about the programs providing these funds." This report is intended to provide this information in an attempt to assist in States' development and implementation of policies and practices for the Part H program.

An analysis of Federal family policy is complicated by the fact that there is no one law which guides the Federal initiatives involving families. As was pointed out by Gallagher (1981):

> "...it seems likely that public policy around any broad dimension of American society such as the family will be done in piecemeal, issue-by-issue, decision

> making ... It is clear that broad and universal policy has less priority and less appeal than do specific policies in dealing with crisis problems. The implication of this conclusion is that there will likely be a multiplicity of actions taken to deal with small parts of larger social problems. These actions will need careful analysis to see how they fit with other policies, and whether they add to (or even distract from) the well-being of all families."

This study begins to address the many and diverse programs which have been brought about in just such a piecemeal fashion to address the multiple needs of the American family with young children who have special educational or developmental needs. The study has two components: (1) a digest of statutory language from relevant Federal programs; and (2) a comparative analysis of this language.

Digest

The first component of this study was the development of a Digest of selected legislative language from relevant Federal programs which address the needs of families. The Digest is intended to provide policymakers with a comprehensive guide regarding the family components of major Federal programs affecting families of young children with special needs. Independent reviews of each of the programs in the Digest were solicited from those who have expertise about these federal programs. Federal agency personnel and other experts reviewed these programs and their invaluable input and feedback has been considered in the development of this final publication.

Programs included in the Digest were selected based on several criteria. First, the program had to provide services to the same population addressed by Part H of EHA -- infants and toddlers with handicaps and their families. Second, the legislation had to be directed at either education or health-related programs, the two major components of Federal policy related to families with children with special needs. A final criterion was the relevance of the legislation to Part H policymakers. While 42 Federal programs were considered for inclusion in the Digest, 25 programs met all of the criteria.[1]

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[1] Although the Medicaid program also met the three criteria, because of its complexity, inclusion of the Medicaid legislation was beyond the scope of this project. Also, Title VII-B of the Social Services Block Grant is currently being amended in Congress in ways which might directly impact services to infants and toddlers with special needs and their families. Addenda to this Digest will be developed and made available when the amendments are complete.

These include:

- Education of the Handicapped Act, Part H, Handicapped Infants and Toddlers Program (EHA, Part H)
- Education of the Handicapped Act, Part B, Assistance for Education of All Handicapped Children (EHA, Part B)
- Education of the Handicapped Act, Part C, Section 1421, Regional Resource and Federal Centers (EHA, Part C, RRCs)
- Education of the Handicapped Act, Part C, Section 1422, Services for Deaf-Blind Children and Youth (EHA, Services for Deaf-Blind)
- Education of the Handicapped Act, Part C, Section 1423, Early Education for Handicapped Children (EHA, EEHC)
- Chapter 1, Part D, Subpart 2, Financial Assistance to Meet Special Educational Needs of Children, Programs Operated by State Agencies, Programs for Handicapped Children (Chapter 1, Handicapped)
- Chapter 1, Part B, Financial Assistance to Meet Special Education Needs of Children, Even Start Programs Operated by Local Educational Agencies (Even Start)
- Chapter 1, Part A, Financial Assistance to Meet Special Educational Needs of Children, Basic Programs Operated by Local Educational Agencies (Chapter 1, Basic Programs)
- Bilingual Education Act, Part A, Financial Assistance for Bilingual Education Programs (Bilingual Education, Part A)
- Bilingual Education Act, Part C, Training and Technical Assistance (Bilingual Education, Part C)
- Comprehensive Child Development Act (CCD)
- Head Start Act (Head Start)
- Developmental Disabilities Assistance and Bill of Rights Act, Part B, Federal Assistance for Planning Priority Area Activities for Persons with Developmental Disabilities (DD, Part B)

- Developmental Disabilities Assistance and Bill of Rights Act, Part C, Protections and Advocacy of Individual Rights (DD, Part C)
- Developmental Disabilities Assistance and Bill of Rights Act, Part D, University Affiliated Programs (DD, UAPs)
- Social Security Act, Title IV-B, Child Welfare Services (Child Welfare Services)
- Social Security Act, Title IV-E, Foster Care and Adoption Assistance (Foster Care)
- Social Security Act, Title V, Maternal and Child Health Block Grant (MCH Block Grant)
- Social Security Act, Title XIX, Grants to States for Medical Assistance, Sections 1902(a)(43) and 1905(a)(4)(B), Medicaid's Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT)
- Public Health Service Act, Title XIX, Part B, Alcohol, Drug Abuse and Mental Health Services Block Grant (Alcohol, Drug Abuse and Mental Health Services Block Grant)
- Public Health Service Act, Section 330, Community Health Centers (Community Health Centers)
- Public Health Service Act, Section 329, Migrant Health Centers (Migrant Health Centers)
- Child Abuse Prevention and Treatment (Child Abuse Prevention and Treatment)
- Stewart B. McKinney Homeless Assistance Act, Public Health Service Act, Section 340, Health Services for the Homeless, Categorical Grants for Primary Health Services and Substance Abuse Services (Health Services for the Homeless)
- Stewart B. McKinney Homeless Assistance Act, Public Health Service Act, Title V-C, Community Mental Health Services for the Homeless (Mental Health Services for the Homeless)

Comparative Analysis

The second component of this study is a comparative analysis of the relevant statutory language of the programs included in the Digest. The goal of the analysis was to compare programs for their consistency or conflicts with each other and with selected requirements of the Part H program. Seven areas were assessed:

- o Identification and Evaluation
- o Individualized Service Plan
- o Case Management Services
- o Parent Training
- o Procedural Safeguards
- o Advisory Council
- o Other

These areas were selected because they require implementation of policies and practices which impact families eligible for services under the part H program. In completing the analysis, legislation for each of the programs was reviewed to determine if statutory language addressed any of the seven areas listed above. For each program, the relevant sections of the statute were compiled and are provided in the Appendix, by program. Next, across programs, the statutory language was sorted by each of the seven areas and the requirements were assessed to determine if mechanisms parallel to those required in Part H exist, and whether these mechanisms are consistent with or in conflict with the Part H requirements. This activity formed the basis of the comparative analysis, which is provided in Chapter II.

Note that for the comparative analysis, only the statutory language was evaluated as an analysis of implementing regulations was beyond the scope of this project. Consequently, the analysis is limited, because for many areas, the statutory language provides little detail on how an activity is to be implemented. It is therefore difficult to determine the degree to which specific program provisions may be consistent with or in conflict with the Part H requirements.

II. COMPARATIVE ANALYSIS AND STATUTORY LANGUAGE

This chapter provides a comparative analysis of selected statutory provisions contained in 25 Federal programs under which infants and toddlers with handicaps and their families may be eligible for services. The programs included in the analysis were selected for their importance to Federal family policy and for their particular relevance to State policymakers charged with implementing the provisions of the Handicapped Infants and Toddlers program enacted as Part H of the Education of the Handicapped Act (EHA, Part H). The purpose of the comparative analysis is to determine across programs, their consistencies or conflicts with each other and with selected requirements of the Part H program. In completing the analysis, statutory language was reviewed for each of the 25 programs to determine if the legislation included provisions in seven areas:

- Identification and Evaluation -- the processes required for identifying individuals eligible for services and determining their service needs, including the needs of the family;
- Individualized Service Plan -- requirements for a written plan describing services to be provided to eligible individuals and their families;
- Case Management Services -- requirements for the coordination of service delivery among agencies;
- Parent Training -- provisions for training parents to inform them about program provisions or to enable them to participate in program activities;
- Procedural Safeguards -- criteria which protect the rights of eligible individuals, such as complaint procedures, confidentiality of personally identifiable information, and the ability to examine records;
- Advisory Councils -- provisions for inclusion of parents or families of eligible individuals to participate in required advisory groups and the role and responsibilities of such groups; and
- Other -- any significant provisions requiring parent or family participation which were not included in the other six areas.

The seven areas included in the comparative analysis were selected because they either require participation of families of children with handicaps (e.g., advisory council) or they result in benefits to families of children with handicaps (e.g., individualized service plan).

A first step in the analysis was to review the statutory provisions for each of the Federal programs to determine if the legislation addressed any of the seven components. The relevant sections of the statutes were compiled into the Digest provided in the Appendix. Figure 1 provides a matrix showing the existence of statutory language in the seven component areas, for each of the 25 programs in the Digest.

The following sections provide a comparative analysis of the statutory language, across programs, for each of the seven components described above. The analysis highlights the major provisions for each program with statutory language in an area and discusses how program requirements are different from or similar to provisions contained in Part H of EHA. For readers desiring more detail on the requirements for each program, the statutory language for each program, by area, follows each component of the analysis. That is, for example, the statutory language for the 13 programs with provisions for identification and evaluation follows the analysis of the identification and evaluation provisions.

It is intended that the comparative analysis will be useful to Part H policymakers in the development of State policies and practices to implement the Part H program. Note, however, that only the statutory language is assessed in the following section. As such, it is somewhat limited, as the statutory language often does not include much detail about how specific requirements are to be implemented.

Figure 1

Programs by Component

PROGRAM	1*	2*	3*	4*	5*	6*	7*
EHA, PART H HANDICAPPED INFANTS AND TODDLERS PROGRAM	X	X	X	X	X	X	X
EHA, PART B EDUCATION OF ALL HANDICAPPED CHILDREN	X	X			X	X	X
EHA, PART C REGIONAL RESOURCE AND FEDERAL CENTERS				X			
EHA, PART C SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH	X			X			
EHA, PART C EARLY EDUCATION FOR HANDICAPPED CHILDREN							X
CHAPTER 1, PART D PROGRAMS OPERATED BY STATE AGENCIES FOR HANDICAPPED CHILDREN	X	X	X	X	X		X
CHAPTER 1, PART B EVEN START PROGRAMS	X			X			
CHAPTER 1, PART A BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES	X			X		X	X
BILINGUAL EDUCATION ACT, PART A BILINGUAL EDUATION PROGRAMS	X			X	X	X	X
BILINGUAL EDUCATION, PART C TRAINING AND TECHNICAL ASSISTANCE			X				
COMPREHENSIVE CHILD DEVELOPMENT ACT	X	X	X	X			
HEAD START							X
DD ACT, PART B GRANTS TO STATES	X	X	X	X		X	
DD ACT, PART C PROTECTIONS AND ADVOCACY OF INDIVIDUAL RIGHTS					X		
DD ACT, PART D UNIVERSITY AFFILIATED PROGRAMS				X			
SSA, TITLE IV-B CHILD WELFARE SERVICES	X	X		X	X		X

*1. Identification and Evaluation
2. Individualized Plan
3. Case Management
4. Parent Training
5. Procedural Safeguards
6. Advisory Council
7. Other

Figure 1

Programs by Component

PROGRAM	1*	2*	3*	4*	5*	6*	7*
SSA, TITLE IV-E FOSTER CARE AND ADOPTION ASSISTANCE		X			X		
SSA, TITLE V MATERNAL AND CHILD HEALTH BLOCK GRANT	X		X				
SSA, TITLE XIX EPSDT	X						
PUBLIC HEALTH SERVICE, TITLE XIX, PART B ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES	X		X		X	X	
PUBLIC HEALTH SERVICE, SECTION 330 COMMUNITY HEALTH CENTERS	X		X				
PUBLIC HEALTH SERVICE, SECTION 329 MIGRANT HEALTH CENTERS			X				
CHILD ABUSE PREVENTION AND TREATMENT			X	X	X	X	X
STUART B. MCKINNEY ACT, PUBLIC HEALTH SERVICE, SECTION 340 HEALTH SERVICES FOR THE HOMELESS					X		
STUART B. MCKINNEY ACT, PUBLIC HEALTH SERVICE, TITLE V-C MENTAL HEALTH SERVICES FOR THE HOMELESS		X	X				

*1. Identification and Evaluation
2. Individualized Plan
3. Case Management
4. Parent Training
5. Procedural Safeguards
6. Advisory Council
7. Other

Comparative Analysis: Identification and Evaluation

For this area, statutory language for each of the 25 programs was examined to determine if the legislation specified processes for identifying individuals eligible for services and determining their service needs, including the needs of the family. For Part H, the identification and evaluation provisions require:

- early identification, screening, and assessment services;

- a multidisciplinary assessment of the unique needs of the infant or toddler with handicaps and their family, and identification of appropriate services which will meet those needs; and

- a comprehensive system for identifying eligible participants and a system for referring such individuals for services.

Thirteen of the remaining Federal programs included in the Digest contain identification and evaluation provisions, including:

- EHA, Part B - The statutory language in Part B of EHA regarding identification and evaluation procedures for children is similar to and consistent with the requirements of the EHA, Part H program. One provision included in this program that is not a requirement of the Part H program is that testing and evaluation procedures used to evaluate children must be selected and administered so as not to be racially or culturally discriminatory. The Part B program, however, does not require an evaluation of family needs, nor does it include a provision requiring a system for referring individuals for services.

- EHA, Services for Deaf-Blind - This program requires that children and youth at risk of being certified deaf-blind be diagnosed and evaluated. Little detail is provided in the statutory language, but it is not inconsistent with the FHA, Part H program.

- Chapter 1, Handicapped - The statutory language for this program incorporates by reference, both the EHA, Part B provisions and the EHA, Part H requirements related to identification and evaluation procedures. Based on a comparison of the statutory language, the requirements for identification and evaluation of infants and toddlers with handicaps and their families are identical for the EHA, Part H program and the Chapter 1, Handicapped program.

- Even Start - Identification and evaluation procedures included in the statutory language for the Even Start program also provide little detail, but are similar to Part H in requiring identification of eligible children, as well as screening and preparation of parents and children for participation, including testing and referral to necessary services.

- Chapter 1, Basic Programs - Part A of the Chapter 1 program includes a requirement for assessing students to determine eligibility for services. While the procedure is not inconsistent with the requirements of Part H, neither is it similar to the identification and evaluation procedures for that program. The Chapter 1 identification and evaluation procedures require the use of educationally related objective criteria established by the local educational agency. These criteria may include written or oral testing instruments that are uniformly applied to particular grade levels throughout the local educational agency.

- Bilingual Education, Part A - Part A of the Bilingual Education Act requires a comprehensive evaluation of the overall academic progress of the student. No detail about the evaluation is provided in the statutory language. Regulations for this program may reveal that there is some overlap between this evaluation and that required by Part H of EHA. However, there are no identification or referral provisions specified for Part A of the Bilingual Education Act, nor are there any requirements to assess family needs.

- CCD - The statutory language for this program requires screening and referral and incorporates by reference, the Part H requirements for early identification, screening, and assessment services. However, the remaining identification and evaluation procedures included in Part H are not required by the CCD statute.

- DD, Part B - Part B of the Developmental Disabilities Assistance and Bill of Rights Act includes as potential state activities identification and assessment of developmental disabilities in infants, toddlers, and young children. These activities are done as part of demonstration activities under this Act.

- Child Welfare Services - Statutory provisions included for this program require identification of children in need of services for reason of protection and welfare. These provisions vary from the EHA, Part H requirements, but they do not appear to be inconsistent with those requirements. No evaluation or referral requirements are provided, nor are the needs of the family addressed.

- MCH Block Grant - The MCH Block Grant statute has as its purpose to provide mothers and children access to quality maternal and child health services. No reference is made to a referral system, nor to evaluation of the needs of the family. Statutory requirements do not provide detail on implementation of the required procedures, but the language is not contradictory in EHA, Part H.

- EPSDT - Identification and evaluation provisions in the EPSDT program require screening, diagnostic and referral services for Medicaid eligible individuals under the age of 21. Evaluation of the needs of families of such individuals are not addressed in the statute, but the other provisions may overlap with the identification and evaluation requirements included in EHA, Part H.

- Alcohol, Drug Abuse and Mental Health Services - Under this program, relevant identification and evaluation provisions include identification of chronically mentally ill individuals and identification and assessment of severely mentally disturbed children and adolescents. No detail is provided in the statute on how these provisions are to be implemented, but there may be overlap with the identification and evaluation requirements included in EHA, Part H. The Alcohol, Drug Abuse and Mental Health Services Block Grant statute does include a provision for assisting chronically mentally ill individuals to gain access to essential services, but a referral system is not included, nor is an evaluation of the needs of the family required.

- Community Health Centers - The Community Health Centers program includes statutory language enabling assessments of children to determine the need for vision and hearing correction. While this is not similar to the identification and evaluation procedures contained in the EHA, Part H legislation, such assessments could overlap with the multidisciplinary evaluation required by the Part H program.

- Migrant Health Centers - The statutory language is similar to that for the Community Health Centers, providing for hearing and vision examinations as well as perinatal services.

- Child Abuse Prevention and Treatment - The act requires procedures to identify children who have been, or are suspected of having been, abused or neglected. Grants under this subsection may be used for educational identification of children in need. The language stresses working in cooperation with preschools and providers for such related multidisciplinary programs which may be necessary to effectively aid the child, however no evaluation requirements are addressed.

Across programs which include provisions for identification and evaluation, the requirements stipulated by EHA, Part H and EHA, Part B are far more detailed than any of the other programs. Also, those two programs are the only ones which require that a multidisciplinary evaluation be conducted. Nevertheless, none of the provisions contained in the statutes of those programs which address identification and evaluation procedures are in conflict with the EHA, Part H statutory requirements.

While some of the requirements may not be similar to the Part H provisions, in some instances there may be overlap among programs. That is, where individuals are eligible for services under multiple programs, identification or evaluation activities conducted under one program may meet some of the requirements of the EHA, Part H program. For example, screening activities completed for the Comprehensive Child Development program may also meet the screening requirements of the Part H program. A review of the statutory language across programs indicates that there may be overlap among the identification and evaluation requirements contained in the statutes for the following programs:

- EHA, Services for Deaf-Blind;
- Bilingual Education, Part A;
- CCD;
- DD, Part B;
- EPSDT;
- Alcohol, Drug Abuse and Mental Health Services; and
- Community Health Centers
- Migrant Health Centers
- Child Abuse Prevention and Treatment

A review of the implementing regulations for these programs would assist in determining the extent to which this overlap exists.

EDUCATION OF THE HANDICAPPED ACT, PART H
HANDICAPPED INFANTS AND TODDLERS PROGRAM
(20 U.S.C. 1471-1485)

Identification and Evaluation

SEC. 1472.(2)(E)(ix) As used in this part 'early intervention services' are developmental services which include early identification, screening, and assessment services

SEC. 1472.(2)(E)(viii) As used in this part 'early intervention services' are developmental services which include medical services only for diagnostic or evaluation purposes.

SEC. 1476.(b)(3) The statewide system required by subsection (a) shall include, at a minimum a timely, comprehensive, multidisciplinary evaluation of the functioning of each handicapped infant and toddler in the State and the needs of the families to appropriately assist in the development of the handicapped infant or toddler

SEC. 1476.(b)(5) The statewide system required by subsection (a) shall include, at a minimum a comprehensive child find system, consistent with part B [of EHA], including a system for making referrals to service providers that includes timelines and provides for the participation by primary referral sources

SEC. 1477.(a)(1) Each handicapped infant and toddler and the infant or toddler's family shall receive a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs

EDUCATION OF THE HANDICAPPED ACT, PART B
ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN
(20 U.S.C. 1411-1420)

Identification and Evaluation

SEC. 1412(2)(C) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State has developed a plan pursuant to section 1413(b) of this title in effect prior to November 29, 1975, and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services

SEC. 1412(5)(C) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State has established procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child

SEC. 1414(a)(1)(A) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411(d) of this title for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide satisfactory assurance that payments under this subchapter will be used for excess costs directly attributable to programs which provide that all children residing within the jurisdiction of the local educational agency or the intermediate educational unit who are handicapped, regardless of the severity of their handicap, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services

SEC. 1401(a)(17) The term "related services" means transportation, and such developmental, corrective, and other supportive services (including medical services for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 1422
SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH
(20 U.S.C. 1422)

Identification and Evaluation

SEC. 1422.(a)(2) A grant, cooperative agreement, or contract pursuant to paragraph (1)(A) may be made only for programs providing (A) technical assistance to agencies, institutions, or organizations providing educational services to deaf-blind children or youth; (B) preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, deaf-blind children or youth; (C) replication of successful innovative approaches to providing educational or related services to deaf-blind children and youth; and (D) facilitation of parental involvement in the education of their deaf-blind children and youth. Such programs may include - (i) the diagnosis and educational evaluation of children and youth at risk of being certified deaf-blind

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART D, PROGRAMS OPERATED BY STATE AGENCIES
SUBPART 2, PROGRAMS FOR HANDICAPPED CHILDREN
(20 U.S.C. 2791-2796)

Identification and Evaluation

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2792.(a) Such programs and projects shall be administered in a manner consistent with this subpart, part B of the Education of the Handicapped Act, and, as determined by the Secretary to be appropriate, part H of the Education of the Handicapped Act.

SEC. 2794.(c)(1) Any such application shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The identification and evaluation procedures under Part B of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1401.(a)(17) The term "related services" means transportation, and such developmental, corrective, and other supportive services (including medical services for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

SEC. 1412(2)(C) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State has developed a plan pursuant to section 1413(b) of this title in effect prior to November 29, 1975, and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services

SEC. 1412(5)(C) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State has established procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child

SEC. 1414(a)(1)(A) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411(d) of this title for any fiscal

21

year shall submit an application to the appropriate State educational agency. Such application shall provide satisfactory assurance that payments under this subchapter will be used for excess costs directly attributable to programs which provide that all children residing within the jurisdiction of the local educational agency or the intermediate educational unit who are handicapped, regardless of the severity of their handicap, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services

The identification and evaluation procedures under Part H of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1472.(2)(E)(ix) As used in this part 'early intervention services' are developmental services which include early identification, screening, and assessment services

SEC. 1472.(2)(E)(viii) As used in this part 'early intervention services' are developmental services which include medical services for diagnostic or evaluation purposes.

SEC. 1476.(b)(3) The statewide system required by subsection (a) shall include, at a minimum a timely, comprehensive, multidisciplinary evaluation of the functioning of each handicapped infant and toddler in the State and the needs of the families to appropriately assist in the development of the handicapped infant or toddler

SEC. 1476.(b)(5) The statewide system required by subsection (a) shall include, at a minimum a comprehensive child find system, consistent with part B [of EHA], including a system for making referrals to service providers that includes timelines and provides for the participation by primary referral sources

SEC. 1477.(a)(1) Each handicapped infant and toddler and the infant or toddler's family shall receive a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN PART B, EVEN START PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
(20 U.S.C. 2741-2749)

Identification and Evaluation

SEC. 2744.(b) Each program assisted under this part shall include -

(1) the identification and recruitment of eligible children;

(2) screening and preparation of parents and children for participation, including testing, referral to necessary counseling, and related services

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN PART A, BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
(20 U.S.C. 2711-2731)

Identification and Evaluation

SEC. 2724.(b)(3) A local educational agency may receive funds under this part only if it makes an assessment of educational needs each year to select those educationally deprived children who have the greatest need for special assistance, as identified on the basis of educationally related objective criteria established by the local educational agency, which include written or oral testing instruments, that are uniformly applied to particular grade levels throughout the local educational agency

BILINGUAL EDUCATION ACT, PART A FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS
(20 U.S.C. 3281-3292)

Identification and Evaluation

SEC. 3291.(d)(D)(3)(A) No student may be enrolled in a bilingual program for which a grant is made under subsection (a)(1) or (a)(3) of this section for a period of more than 3 years, except where the school in which the student is enrolled-

(i) conducts a comprehensive evaluation of the overall academic progress of the student, and

(ii) the results of the evaluation indicate that lack of English proficiency is impeding the academic progress of the student in meeting grade promotion and graduation standards and, in the case of a handicapped child attainment of the objective in the child's individualized education program.

Any student with respect to whom the requirements of this paragraph are met, may remain in the program for a fourth year, except as provided in division (ii) of subparagraph (B).

(B)(i) The evaluation required by paragraph (A) shall involve teachers and school personnel familiar with the students' overall academic progress. The results of such an evaluation shall be made available to the parents of the student.

(ii) An evaluation shall be carried out at the end of the fourth year the student is in the program described in subparagraph (A) if the student is to continue in the program for a fifth year and shall be conducted in accordance with division (i) of this subparagraph.

(iii) Each evaluation shall indicate how the students' English language development will be addressed during the period a student is retained in the program. The students' academic program during that period shall emphasize mastery of English.

SEC. 3291.(f)(4) An application for a grant under subsection (a)(1), (a)(2), and (a)(3) of this section may be approved only if the Secretary determines that student evaluation and assessment procedures in the program are appropriate for limited English proficiency students, and that limited English proficient students who are handicapped are identified and served in accordance with the requirements of the Education of the Handicapped Act

COMPREHENSIVE CHILD DEVELOPMENT ACT
(42 U.S.C. 9881-9887)

Identification and Evaluation

SEC. 9886.(4) As used in this subchapter the term 'intensive and comprehensive supportive services' means -

(A) in the case of infants and young children, services designed to enhance the physical, social, emotional, and intellectual development of such infants and children and such term includes infant and child health services (including screening and referral), child care that meets State licensing requirements, early childhood development programs, early intervention services for children with or at risk of developmental delays, and nutritional services

SEC. 9886.(1) the term 'early intervention services' has the same meaning given that term by section 672(2) of the Education of the Handicapped Act (20 U.S.C. 1472(2))

Section 1472(2) of the Education of the Handicapped Act is incorporated here by reference. The relevant section follows:

SEC. 1472.(2)(E)(ix) As used in this part 'Early intervention services' are developmental services which include early identification, screening, and assessment services

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT, PART B
FEDERAL ASSISTANCE FOR PLANNING PRIORITY AREA ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES
(42 U.S.C. 6021-6030)

Identification and Evaluation

SEC. 6001.(15) The term "child development activities" means such priority area activities as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services.

SEC. 6001.(23) The term "early intervention services" means services provided to infants, toddlers, young children, and the families of such to --

(A) identify, assess, and treat developmental disabilities at the earliest possible time to prevent more serious disability;

(B) ensure the maximum growth and development of a person within the above classes who has a developmental disability; and

(C) assist families in raising a child with a developmental disability

SOCIAL SECURITY ACT, TITLE IV-B
CHILD WELFARE SERVICES
(42 U.S.C. 620 - 628)

Identification and Evaluation

SEC. 622.(b)(6) Each State plan for child welfare services under this part shall contain a description of the steps which the State will take to provide child welfare services and to make progress in --

(A) covering additional political subdivisions,

(B) reaching additional children in need of services, and

(C) expanding and strengthening the range of existing services and developing new types of services

SOCIAL SECURITY ACT, TITLE V
MATERNAL AND CHILD HEALTH BLOCK GRANT
(42 U.S.C. 701-709)

Identification and Evaluation

SEC. 501(a)(b) for the purpose of enabling each State--

(A) to provide and to assure mothers and children (in particular those with low income or with limited availability of health services) access to quality maternal and child health services;

(B) to reduce infant mortality and the incidence of preventable diseases and handicapping conditions among children, to reduce the need for inpatient and long-term care services, to increase the number of children (especially preschool children) appropriately immunized against disease and the number of low income children receiving health assessments and follow-up diagnostic and treatment services, and otherwise to promote health of mothers and infants by providing prenatal, delivery, and postpartum care for low income, at-risk pregnant women, and to promote the health of children by providing preventative and primary care services for low income children;

(2) for the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance, research, and training with respect to maternal and child health and children with special health care needs (including early intervention training and services development), for genetic disease testing, counseling, and information development and dissemination programs, for grants (including funding for comprehensive hemophilia diagnostic treatment centers) relating to hemophilia without regard to age, and for the screening of newborns for sickle cell anemia, and other genetic disorders and follow-up services; and

SOCIAL SECURITY ACT, TITLE XIX
GRANTS TO STATES FOR MEDICAL ASSISTANCE
SECTIONS 1902(a)(43) and 1905(a)(4)(B)
MEDICAID'S EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT PROGRAM (EPSDT)
(42 U.S.C. 1396a and 1396d)

Identification and Evaluation

SEC. 1396a.(a)(43) A State plan for medical assistance must provide for -

(A) informing all persons in the State who are under the age of 21 and who have been determined to be eligible for medical assistance including services described in section 1396d.(a)(4)(B), of the availability of early and periodic screening, diagnostic, and treatment services as described in section 1396d.(a)(4)(B) and 1396(r),

(B) providing or arranging for the provision of such screening services in all cases where they are requested, and

(C) arranging for (directly or through referral to appropriate agencies, organizations, or individuals) corrective treatment the need for which is disclosed by such child health screening services

SEC. 1396d.(a)(4)(B) For purposes of this title the term "medical assistance means payment of part or all of the cost of the following care and services .... effective July 1, 1969, such early and periodic screening and diagnosis of individuals who are eligible under the plan and are under the age of 21 to ascertain their physical or mental defects, and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary...

SEC. 1396(r) The term 'early and periodic screening, diagnostic, and treatment services' means the following items and services:

(1) Screening services--

(A) which are provided--

(i) at intervals which meet reasonable standards of medical and dental practice, as determined by the State after consultation with recognized medical and dental organizations involved in child health care, and

(ii) at such other intervals, indicated as medically necessary, to determine the existence of certain physical or mental illnesses or conditions; and

(B) which shall at a minimum include--

(i) a comprehensive health and development history (including assessment of both of physical and mental health development),

(ii) a comprehensive unclothed physical exam,

(iii) appropriate immunizations according to age and health history,

(iv) laboratory tests (including lead blood level assessment appropriate for age and risk factors), and

(v) health education (including anticipatory guidance).

(2) Vision services--

(A) which are provided--

(i) at intervals which meet reasonable standards of medical practice, as determined by the State after consultation with recognized medical organizations involved in child health care, and

(ii) at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or conditions; and

(B) which shall at a minimum include diagnosis and treatment for defects in vision, including eyeglasses.

(3) Dental services--

(A) which are provided--

(i) at intervals which meet reasonable standards of dental practice, as determined by the State after consultation with recognized dental organizations involved in child health care, and

(ii) at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or condition; and

(B) which shall at a minimum, include relief of pain and infections, restoration of teeth, and maintenance of dental health.

(4) Hearing services--

(A) which are provided--

(i) at intervals which meet reasonable standards of medical practice, as determined by the State after consultation with recognized medical organizations involved in child health care, and

(ii) at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or condition; and

(B) which shall at a minimum include diagnosis and treatment for defects in hearing, including hearing aids.

(5) Such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered under the State plan.

Nothing in this title shall be construed as limiting providers of early and periodic screening, diagnostic, and treatment services to providers who are qualified to provide all of the items and services described in the previous sentence or as preventing a provider that is qualified under the plan to furnish one or more (but not all) of such items or services from being qualified to provide such items and services as part of early and periodic screening, diagnostic, and treatment services.".

PUBLIC HEALTH SERVICE ACT, TITLE XIX, PART B
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT
(42 U.S.C. 300x - 300x-9)

Identification and Evaluation

SEC. 300x-3.(a)(2) Except as provided in subsection (b) and (c) of this section, amounts paid to a State under section 300x-2 of this title and amounts transferred by the State for use under this part may be used by the State for grants to community mental health centers in accordance with section 300x-4(c) of this title and grants to community mental health centers for the provision of the following services:

(A) Services for chronically mentally ill individuals, which include identification of chronically mentally ill individuals and assistance to such individuals in gaining access to essential services through the assignment of case managers.

(B) Identification and assessment of severely mentally disturbed children and adolescents and provision of appropriate services to such individuals.

(C) Identification and assessment of mentally ill elderly individuals and provision of appropriate services to such individuals

PUBLIC HEALTH SERVICE ACT, SECTION 330
COMMUNITY HEALTH CENTERS
(42 U.S.C. 254c)

Identification and Evaluation

SEC. 254c.(b)(1)(C) For purposes of this section the term "primary health services" means preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services)

PUBLIC HEALTH SERVICE ACT, SECTION 329
MIGRANT HEALTH CENTERS
(42 U.S.C. 254b)

Identification and Evaluation

SEC. 254b(a)(6)(C) For purposes of this section the term "preventive health services" mean preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services).

CHILD ABUSE PREVENTION AND TREATMENT
(42 U.S.C. 5101-5106)

Identification and Evaluation

SEC. 5106(c) Discretionary Grants.--In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for the following:

(3) Projects which provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

SEC. 5106a(b) Eligibility Requirements.--In order for a State to qualify for a grant under subsection (a), such State shall--

(1) have in effect State law relating to child abuse and neglect, including--

(A) provisions for the reporting of known and suspected instances of child abuse and neglect; and

(B) provisions for immunity from prosecution under State and local laws for persons who report instances of child abuse or neglect for circumstances arising from such reporting;

(2) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child and of any other child under the same care who may be in danger of abuse or neglect;

(3) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such--

(A) administrative procedures;
(B) personnel trained in child abuse and neglect prevention and treatment;
(C) training procedures;
(D) institutional and other facilities (public and private); and
(E) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with child abuse and neglect cases in the State;

Comparative Analysis: Individualized Service Plan

Statutory language for each of the 25 programs included in the Digest was reviewed to determine if the program included requirements for a written plan describing services to be provided to eligible individuals and their families. For programs including such a plan, the required components of the plan were compared to the requirements for an individualized family service plan (IFSP) as provided under EHA, Part H. The IFSP required by EHA, Part H is to be developed by a multidisciplinary team, including the parent or guardian and is based on a multidisciplinary assessment. The IFSP has seven components:

- a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psycho-social development, and self-help skills;
- a statement of the family's strengths and needs relating to enhancing the development of the family's infant or toddler with handicaps;
- a statement of the major outcomes expected to be achieved for the infant and toddler and the family, including the criteria, procedures, and timelines to be used in determining the degree to which progress has been made toward those outcomes and whether modification or revision of the outcomes are required;
- a statement of the specific early intervention services to be provided to the infant or toddler and the family, including the frequency, intensity, and the method of delivering services;
- the projected starting date for service delivery and the anticipated duration of services;
- the name of a case manager responsible for the implementation of the plan and coordination with other agencies and persons; and
- steps to be taken in support of the transition of the toddler to services provided under Part B of EHA if such services are considered appropriate

In addition, statutory language for EHA, Part H requires that the IFSP be evaluated annually and that the family be provided a review of the plan at 6 month intervals or more often where appropriate.

In addition to Part H seven programs included in the comparative analysis also require some type of individualized service plan. (See Table 1) In instances where individuals are eligible for several programs requiring an individualized service plan it is possible that multiple plans would not have to be developed if the requirements for such plans are not in conflict. The comparative analysis was conducted to determine if the requirements of the various programs including individualized service plans are complementary to or could be coordinated with the IFSP required by EHA, Part H. It may be possible that a single plan could be developed such as an IFSP, that would meet the requirements of all programs under which an individual is receiving services. The required components of the plans described in the seven programs are provided below, along with an assessment of the extent to which such requirements are similar to and compatible with the requirements for an IFSP under the Part H program.

o EHA, Part B - The EHA, Part B program requires the development of an individualized education program (IEP) for each child with handicaps. Five components of an IEP are specified in the statutory language:

  - a statement of the child's present levels of educational performance;
  - a statement of annual goals, including short-term instructional objectives;
  - a statement of the specific educational services to be provided and the extent to which the child will be able to participate in regular educational programs;
  - the projected date for initiation of services and the anticipated duration of such services; and
  - objective criteria and evaluation procedures and schedules for determining whether instructional objectives are being met.

  The IEP is to be developed in a meeting which includes a representative of the local educational agency or intermediate educational unit, the teacher, the child's parents or guardian, and whenever appropriate, the child; and the IEP must be reviewed at least annually.

  The requirements for an IEP under EHA, Part B are similar to and compatible with the IFSP required by the Part H program, except that the IEP includes a statement of the extent to which the child will be able to participate in regular education. While the requirements for the IEP are focused on educational services and do not include a statement of the family's needs, the name of the case manager, and obviously do not require inclusion of steps to be taken to support the transition of the toddler to the

Part B program, the other components of the IEP are parallel to those required in the IFSP. Since the IFSP incorporates and goes beyond, the requirements of EHA, Part B, an individualized service plan developed in accordance with the IFSP requirements of EHA, Part H would be likely to meet the IEP requirements specified in the EHA, Part B statute.

- Chapter 1, Handicapped - The statutory language for the Chapter 1, Handicapped program incorporates by reference the EHA, Part H requirements for an IFSP and the EHA, Part B requirements for an IEP. As such, the provisions are consistent with the EHA, Part H provisions.

- CCD - The Comprehensive Child Development program does not itself require an individualized service plan, but the IFSP requirements specified by the EHA, Part H statute are incorporated by reference into the Comprehensive Child Development Act. As such, the provisions are consistent with the EHA, Part H provisions.

- DD, Part B - Persons receiving services under Part B of the Developmental Disabilities Assistance and Bill of Rights Act are required to have an individualized, written habilitation plan. The statutory language requires that the plan be developed by the person for whom the plan is established, a representative of the program with primary responsibility for services, and, if appropriate, the parent or guardian of the person for whom the plan is established, or their representative; the plan must be reviewed annually. Six other components are required to be included in an habilitation plan:

    - a statement of the long-term and intermediate habilitation goals;

    - a statement of how objectives will be achieved, the barriers that might interfere with the achievement of the objectives, evaluation procedures and a schedule for determining if goals and objectives are being achieved;

    - a case manager responsible for coordinating the implementation of the plan;

    - a statement of specific services to be provided, each agency which will deliver such services, and the personnel and their qualifications necessary for the provision of such services;

    - the date for initiation of each service to be provided and the anticipated duration of each service; and

- specification of the role and objectives of all parties to the implementation of the habilitation plan.

The requirements for the content of an habilitation plan are parallel to and similar to those for an IFSP, except that the needs of the family are not included in an habilitation plan. In addition, there is no specification that an habilitation plan be developed based on a multidisciplinary assessment. Nevertheless, with minimal modifications (e.g., identification of the barriers that might interfere with the achievement of the objectives) an IFSP could be developed to meet the requirements of an habilitation plan. The requirement that the individual with developmental disabilities participate in the development of the habilitation plan is not compatible with Part H in that there does not appear to be an appropriate role for the infant and toddler in this process.

o Child Welfare Services - Title IV-B of the Social Security Act requires the development of a case plan for infants in foster homes or other non-medical residential settings away from their parents unless such infant is otherwise covered by a plan. The requirements of the case plan include the following:

- a description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement;

- a plan for assuring that the child receives proper care and that service are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own home or the permanent placement of the child, and address the needs of the child while in foster care; and

- a discussion of the appropriateness of the services that have been provided to the child under the plan.

The case plan is to be designed to achieve placement in the least restrictive (most family-like) setting available and in close proximity to the parents' home. In addition, the status of the child is to be reviewed at least once every six months by either a court or through an administrative review which may include the parents of the child. The review is to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the progress which has been made toward alleviating the causes requiring the placement in foster care, and to project a likely date by which the child may be returned home or placed for adoption or legal guardianship.

The case plan required by Title IV-B of the Social Security Act is not similar to an IFSP required by the Part H program but neither is it in conflict with the IFSP requirements. It is likely that an IFSP could be developed to incorporate the case plan requirements for the provision of child welfare services. However, there is a provision in the Child Welfare statute stipulating that a case plan is not required if an infant is otherwise covered by such a plan. It is not clear, upon reviewing the statute whether the existence of an IFSP would preclude the development of a case plan; regulatory language may clarify this.

- Foster Care and Adoption Assistance - Title IV-E of the Social Security Act requires that each child receiving foster care maintenance payments have a case plan. The requirements for the case plan are the same as those required under the Child Welfare Services program as described above. However, there is no provision stipulating that a case plan is not required if a child is otherwise covered by such a plan. Again, it may be possible to develop an IFSP to meet the requirements of a case plan under this program.

- Community Mental Health Services for the Homeless - Under this program, a plan is required for the provision of community mental health services to a homeless individual and such plan must be reviewed at least once every 3 months. No detail is provided in the statutory language for this program as to the content of the plan. Thus, it is impossible to determine the comparability of such a plan with the IFSP requirements.

The requirements included in the statutory language for the seven programs which call for an individualized service plan all seem consistent with the components of an individualized family service plan as set forth in EHA, Part H, and with one exception, do not appear to be in conflict with each other. In the statutory requirements for Part B of the Developmental Disabilities Assistance and Bill of Rights Act, however, the participation of the person with developmental disabilities in creating the habilitation plan is not appropriate for Part H clients (as they are infants/toddlers); this requirement, therefore appears to be inconsistent with Part H.

Where individuals receive services under more than one program, it is likely that a single plan could be developed to accommodate the multiple requirements. Because the IFSP requirements are so detailed and comprehensive, it would seem that it would not be difficult to incorporate any additional requirements of another program into an IFSP.

Table 1
Matrix of Individualized Plan Components

Category	EHA, Part H	EHA, Part B	Chapter 1: Handicapped	CCD	DD, Part B	Child Welfare and Foster Care and Adoption Assistance	Mental Health for Homeless
Plan called	Individualized Family Service Plan (IFSP)	Individualized Education Plan (IEP)	References Part H	References Part H	Habilitation Plan	Case Plan	Plan
Written by	Multidisciplinary team, incl. parent	Representative of LEA, teacher, parent, child, when appropriate	References Part H	References Part H	Person for whom the plan is established, representative of the program, and parent		
Elements of the Plan	1. Present level of development 2. family strengths and needs 3. major outcomes with criteria, procedures, timelines 4. EI services for the child and family: with frequency, intensity, and method 5. initiation & duration 6. name of case manager 7. transition	1. Present levels of educational performance 2. short term objectives and annual goals 3. objective criteria to determine if objectives are being met 4. educational services to the child 5. initiation and duration	References Part H	References Part H	1. Long-term goals and immediate habilitation objectives 2. stated specifically and in sequence 3. measurable indices of progress 4. describe how objectives will be achieved & potential barriers with objective criteria and an evaluation procedure & schedule 5.habilitation services 6. initiation 7. duration 8. plan ... provides for case management	Services which address the needs of the child while in foster care 2. including a discussion of the appropriateness of the services that have been provided to the child under the plan 3. that services are provided to the parents, child, and foster parents in order to improve conditions in the parents' home ...	Plan for provision of comm. mental health services
Other elements not compar-able to Part H		Extent to which child ... will participate in regular education programs			Plan includes: 1. agency which will deliver the service 2. personnel and their qualifications 3. roles and objectives of all parties	The case plan is designed to achieve placement in the least restricitve (most family like) setting available. The document includes at least the following: 1. description of the type of home or institution in which a child is to be paced, including a discussion of the appropriateness ... 2. plan for assuring that the child receives proper care	

Legislative Excerpts Related to Individualized Service Plan

EDUCATION OF THE HANDICAPPED ACT, PART H
HANDICAPPED INFANTS AND TODDLERS PROGRAM
(20 U.S.C. 1471-1485)

Individualized Service Plan

SEC. 1472(2)(G) As used in this part 'Early intervention services' are developmental services which are provided in conformity with an individualized family service plan adopted in accordance with section 1477

SEC. 1476.(b)(4) The statewide system required by subsection (a) shall include, at a minimum for each handicapped infant and toddler in the State, an individualized family service plan in accordance with section 1477, including case management services in accordance with such service plan

SEC. 1477.(a) Each handicapped infant and toddler and the infant or toddler's family shall receive -

(1) a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs, and

(2) a written individualized family service plan developed by a multidisciplinary team, including the parent or guardian, as required by subsection (d)

(b) The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6 month-intervals (or more often where appropriate based on infant and toddler and family needs)

(c) The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parent's consent, early intervention services may commence prior to the completion of such assessment

(d) The individualized family service plan shall be in writing and contain -

(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psycho-social development, and self-help skills, based on acceptable objective criteria,

(2) a statement of the family's strengths and needs relating to enhancing the development of the family's handicapped infant or toddler,

(3) a statement of the major outcomes expected to be achieved for the infant and toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes are being made and whether modifications or revisions of the outcomes or services are necessary,

(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and the method of delivering services,

(5) the projected dates for initiation of services and the anticipated duration of such services,

(6) the name of the case manager from the profession most immediately relevant to the infant's and toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons, and

(7) the steps to be taken supporting the transition of the handicapped toddler to services provided under part B to the extent such services are considered appropriate

EDUCATION OF THE HANDICAPPED ACT, PART B
ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN
(20 U.S.C. 1411-1420)

Individualized Service Plan

SEC. 1414(a)(5) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411(d) for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide assurances that the local educational agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually

SEC. 1401.(a)(19) The term "individualized education program" means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and whenever appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART D, PROGRAMS OPERATED BY STATE AGENCIES
SUBPART 2, PROGRAMS FOR HANDICAPPED CHILDREN
(20 U.S.C. 2791-2796)

Individualized Service Plan

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2794.(c)(1) Any such application shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The requirements under Part B of the Education of the Handicapped Act for an individualized service plan are incorporated here by reference. The relevant sections follow:

SEC. 1414(a)(5) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411(d) for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide assurances that the local educational agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually

SEC. 1401.(a)(19) The term "individualized education program" means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and whenever appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved

The requirements under Part H of the Education of the Handicapped Act for an individualized service plan are incorporated here by reference. The relevant sections follow:

SEC. 1472(2)(G) As used in this part 'Early intervention services' are developmental services which are provided in conformity with an individualized family service plan adopted in accordance with section 1477

SEC. 1476.(b)(4) The statewide system required by subsection (a) shall include, at a minimum for each handicapped infant and toddler in the State, an individualized family service plan in accordance with section 1477, including case management services in accordance with such service plan

SEC. 1477.(a) Each handicapped infant and toddler and the infant or toddler's family shall receive -

(1) a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs, and

(2) a written individualized family service plan developed by a multidisciplinary team, including the parent or guardian, as required by subsection (d)

(b) The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6 month-intervals (or more often where appropriate based on infant and toddler and family needs)

(c) The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parent's consent, early intervention services may commence prior to the completion of such assessment

(d) The individualized family service plan shall be in writing and contain -

(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psycho-social development, and self-help skills, based on acceptable objective criteria,

(2) a statement of the family's strengths and needs relating to enhancing the development of the family's handicapped infant or toddler,

(3) a statement of the major outcomes expected to be achieved for the infant and toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes are being made and whether modifications or revisions of the outcomes or services are necessary,

(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and the method of delivering services,

(5) the projected dates for initiation of services and the anticipated duration of such services,

(6) the name of the case manager from the profession most immediately relevant to the infant's and toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons, and

(7) the steps to be taken supporting the transition of the handicapped toddler to services provided under part B to the extent such services are considered appropriate

COMPREHENSIVE CHILD DEVELOPMENT ACT
(42 U.S.C. 9881-9887)

Individualized Service Plan

SEC. 9886.(1) the term 'early intervention services' has the same meaning given that term by section 672(2) of the Education of the Handicapped Act (20 U.S.C. 1472(2))

Section 1472(2) of the Education of the Handicapped Act is incorporated here by reference. The relevant sections follow:

SEC. 1472(2)(G) As used in this part 'Early intervention services' are developmental services which are provided in conformity with an individualized family service plan adopted in accordance with section 1477.

Section 1477 of the Education of the Handicapped Act is incorporated here by reference, as follows:

SEC. 1477.(a) Each handicapped infant and toddler and the infant or toddler's family shall receive -

(1) a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs, and

(2) a written individualized family service plan developed by a multidisciplinary team, including the parent or guardian, as required by subsection (d).

(b) The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6 month-intervals (or more often where appropriate based on infant and toddler and family needs).

(c) The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parent's consent, early intervention services may commence prior to the completion of such assessment.

(d) The individualized family service plan shall be in writing and contain -

(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psycho-social development, and self-help skills, based on acceptable objective criteria,

(2) a statement of the family's strengths and needs relating to enhancing the development of the family's handicapped infant or toddler,

(3) a statement of the major outcomes expected to be achieved for the infant and toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes are being made and whether modifications or revisions of the outcomes or services are necessary,

(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and the method of delivering services,

(5) the projected dates for initiation of services and the anticipated duration of such services,

(6) the name of the case manager from the profession most immediately relevant to the infant's and toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons, and

(7) the steps to be taken supporting the transition of the handicapped toddler to services provided under part B [of EHA] to the extent such services are considered appropriate.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT, PART B
FEDERAL ASSISTANCE FOR PLANNING PRIORITY AREA ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES
(42 U.S.C. 6021-6030)

Individualized Service Plan

SEC. 6022.(b)(6)(B) In order to be approved by the Secretary under this section, a State plan must meet the following requirements: The plan must provide that services are provided in an individualized manner consistent with the requirements of section 6023 (relating to habilitation plans).

SEC. 6023.(a) The Secretary shall require as a condition to a State's receiving an allotment under this part that the State provide the Secretary satisfactory assurances that each program (including programs of any agency, facility, or project) which receives funds from the State's allotment under this part (1) has in effect for each developmentally disabled person who receives services from or under the program a habilitation plan meeting the requirements of subsection (b), and (2) provides for an annual review, in accordance with subsection (c), of each such plan.

(b) A habilitation plan for a person with developmental disabilities shall meet the following requirements:

(1) The plan shall be in writing.

(2) The plan shall be developed jointly by (A) the person for whom the plan is established, (B) where appropriate, such person's parent or guardian or other representative, and (C) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established.

(3) The plan shall contain a statement of the long-term habilitation goals for the person and the intermediate habilitation objectives relating to the attainments of such goals. Such goals should include the increase or support of independence, productivity, and integration into the community for the person. Such objectives shall be stated specifically and in sequence and shall be expressed in behavioral and other terms that provide measurable indices of progress. The plan shall (A) describe how the objectives will be achieved and the barriers that might interfere with the achievement of them, (B) state an objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (C) provide for a case manager who will be responsible for coordinating the implementation of the plan.

(4) The plan shall contain a statement (in readily understandable form) of specific habilitation services to be provided, shall identify each agency which will deliver such services, shall describe the personnel (and their qualifications) necessary for the provision of such services, and shall specify the date of the initiation of each service to be provided and the anticipated duration of each such service.

(5) The plan shall specify the role and objectives of all parties to the implementation of the plan.

(c) Each habilitation plan shall be reviewed at least annually by the agency primarily responsible for the delivery of services to the person for whom the plan was established or responsible for the coordination of the delivery of services to such person. In the course of the review, such person and the person's parents or guardian or other representative shall be given an opportunity to review such plan and to participate in its revision.

SOCIAL SECURITY ACT, TITLE IV-B
CHILD WELFARE SERVICES
(42 U.S.C. 620 - 628)

Individualized Service Plan

SEC. 626.(b)(3) In the case of any project which includes the use of funds authorized under this subsection for the care of infants in foster homes or other non-medical residential settings away from their parents, there shall be developed for each such infant a case plan of the type described in section 675(1) of this title (to the extent that such infant is not otherwise covered by such a plan), and each such project shall include a case review system of the type described in section 675(5) of this title (covering each such infant who is not otherwise subject to such a system)

Sections 675(1) and 675(5) of Title IV-E, Federal Payments for Foster Care and Adoption Assistance, are incorporated here by reference. The relevant sections follow:

SEC. 675(1) The term 'case plan' means a written document which includes at least the following: A description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to carry out the judicial determination made with respect to the child in accordance with section 672(a)(1); and a plan for assuring that the child receives proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.

SEC. 675.(5) The term 'case review system' means a procedure for assuring that -

(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship

SEC. 675.(6) The term 'administrative review' means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

SOCIAL SECURITY ACT, TITLE IV-E
FOSTER CARE AND ADOPTION ASSISTANCE
(42 U.S.C. 670-676)

Individualized Service Plan

SEC. 671.(a)(16) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which provides for the development of a case plan (as defined in section 675(1)) for each child receiving foster care maintenance payments under the State plan and provides for a case review system which meets the requirements described in section 675(5) with respect to each such child

SEC. 675(1) The term 'case plan' means a written document which includes at least the following: A description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to carry out the judicial determination made with respect to the child in accordance with section 672(a)(1); and a plan for assuring that the child receives proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan

SEC. 675.(3) The term 'adoption assistance agreement' means a written agreement, binding on the parties to the agreement, between the State agency, other relevant agencies, and the prospective adoptive parents of a minor child which at a minimum (A) specifies the amounts of the adoption assistance payments and any additional services and assistance which are to be provided as part of such agreement, and (B) stipulates that the agreement shall remain in effect regardless of the State of which the adoptive parents are residents at any given time. The agreement shall contain provisions for the protection (under an interstate compact approved by the Secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another State while the agreement is effective.

SEC. 675.(5) The term 'case review system' means a procedure for assuring that -

(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship

SEC. 675.(6) The term 'administrative review' means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT, TITLE VI-B
PUBLIC HEALTH SERVICE ACT, TITLE V-C
COMMUNITY MENTAL HEALTH SERVICES FOR THE HOMELESS
(42 U.S.C. 290aa et seq.)

Individualized Service Plan

SEC. 524(a)(5)(A) The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State agrees that projects receiving amounts pursuant to such section will provide appropriate case management services to homeless individuals, including preparing a plan for the provision of community mental health services to the homeless individual involved and reviewing such plan not less than once every 3 months;

Comparative Analysis: Case Management Services

The programs included in the Digest were reviewed to determine if they contained provisions for case management services. Under Part H, the statutory language addressing case management is vague, requiring only that early intervention services include case management services, and that an individualized family service plan include the name of a case manager. The lack of detail in the statutory language for Part H makes it impossible to determine if case management services required by other Federal programs are similar to those that would be provided under the Part H program. It is anticipated that a review of the regulatory language will clarify this. Nine of the programs in addition to EHA, Part H require case management services, as discussed below.

- Chapter 1, Handicapped - The case management provisions included in the EHA, Part H program are incorporated by reference in the Chapter 1, Handicapped statutory language. Based on a comparison of the statutory language, the requirements are identical for both programs.

- CCD - The requirements of the EHA, Part H program relative to case management services are also incorporated by reference into the Comprehensive Child Development program. There is no detail as to the required services and based on a comparison of the statutory language, the requirements are identical for both programs.

- DD, Part B - Under this program, case management activities are to be designed to ensure accessibility, continuity of supports and services, and accountability to ensure that the maximum potential of persons with developmental disabilities for independence, productivity, and integration into the community is attained. An habilitation plan required for individuals receiving services under Part B of the Developmental Disabilities Assistance and Bill of Rights Act is required to provide for a case manager who will be responsible for coordinating the implementation of the plan.

- MCH Block Grant - The statutory language defines case management services for children with special health care needs and their families. The language provides for "services to promote the effective and efficient organization and utilization of resources" including health education to pregnant women or families with an infant up to the age of one. The language suggests that MCH case management services could be compatible with Part H.

- Alcohol, Drug Abuse and Mental Health Services Block Grant - This program requires that individuals who are chronically mentally ill be provided assistance in gaining access to essential services through the assignment of case managers.

- Community Health Centers - The Community Health Centers program requires the provision of case management services, including outreach, counseling, referral, and follow-up services.

- Migrant Health Centers - The statutory language for the Migrant Health Centers program is similar to that for the Community Health Centers program, requiring the provision of case management services, including outreach, counseling, referral, and follow-up services.

- Child Abuse Prevention and Treatment - Under the Child Abuse Prevention and Treatment program, statutory language does not expressly define case management services nor call for the designation of a case manager, but funds may be used for services to assist in obtaining or coordinating services for families of infants with disabilities who have life-threatening conditions. Additionally grant's may be used for referral and follow-up services.

- Community Mental Health Services for the Homeless - The statutory language for this program requires the provision of appropriate case management services to homeless individuals, including preparation of a plan for the provision of community mental health services to the individual, providing assistance in obtaining and coordinating social and maintenance services, providing assistance in obtaining income support services and referring the individuals for other appropriate services. Designation of a case manager is not included in the statutory language.

As noted above, a comparison of each program's statutory language related to the provision of case management services with the EHA, Part H requirements cannot be undertaken because the statutory language for the Part H program does not define case management services. However, across the nine programs which do provide detail on case management, there is a great deal of consistency, with the primary focus on obtaining and coordinating services. (See Table 2) For two of the programs, however, Community Health Centers and Migrant Health Centers, case management is defined as including outreach, counseling, referral and follow-up services. In addition, five of the programs, EHA, Part H; CCD; DD, Part B; Chapter 1, Handicapped; and Alcohol, Drug Abuse and Mental Health Services Block Grant, expressly provide for designation of a case manager, while the other programs do not. A review of regulatory language for these programs may reveal that for individuals receiving services under more than one program, a single case manager could be assigned to meet the requirements of the multiple programs, allowing the case management function to be coordinated among programs.

Table 2

Matrix of Functions of Case Management Systems

EHA, Part H	Chapter 1: Handicapped	CCD	DD, Part B	MCH Block Grant	Alcohol, Drug Abuse & Mental Health Block Grant	Community Health Centers	Migrant Health Centers	Child Abuse Prevention	Mental Health Services for the Homeless
Early intervention services includes...case management	References Part H	References Early Intervention Services in Part H	Goal oriented process						
			Coordinating range of assistance	Effective & efficient organization and utilization of resources					
			Ensure accessibility	To assure access to quality preventive and primary care services	Assistance in gaining access to essential services through assignment of a case manager			Coordinating necessary services... [and] coordination of community services available to parents of children (eligible)	Providing assistance in... coordinating social and maintenance services for individuals...
			Continuity of supports					Obtaining... necessary services for families of disabled infants with life-threatening conditions	Providing assistance in obtaining... social and maintenance services...
			Accountability						
			Ensure maximum potential for independence, productivity, and integration is attained						
						Outreach.	Outreach		
						Counseling	Counseling		
						Referral	Referral	Referral	Referring the individual for such other services as may be appropriate
						Follow-up	Follow-up	Follow-up	
									Providing representative payee services...if the individual is receiving services under Title XVI...
Name of case manager included in plan	References Part H	References Part H	Name of case manager in plan		Must assign a case manager				

EDUCATION OF THE HANDICAPPED ACT, PART H
HANDICAPPED INFANTS AND TODDLERS PROGRAM
(20 U.S.C. 1471-1485)

Case Management Services

SEC. 1472.(2)(E)(vii) As used in this part early intervention services are developmental services which include case management services

SEC. 1476.(b)(4) The statewide system required by subsection (a) shall include, at a minimum for each handicapped infant and toddler in the State, an individualized family service plan in accordance with section 1477, including case management services in accordance with such service plan

SEC. 1477.(d)(6) the name of the case manager from the profession most immediately relevant to the infant's or toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART D, PROGRAMS OPERATED BY STATE AGENCIES
SUBPART 2, PROGRAMS FOR HANDICAPPED CHILDREN
(20 U.S.C. 2791-2796)

Case Management Services

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2794.(c)(1) Any such application [by a State agency or by a local education agency for a subgrant] shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The requirements under Part H of the Education of the Handicapped Act for case management services are incorporated here by reference. The relevant sections follow:

SEC. 1472.(2)(E)(vii) As used in this part early intervention services are developmental services which include case management services

SEC. 1476.(b)(4) The statewide system required by subsection (a) shall include, at a minimum for each handicapped infant and toddler in the State, an individualized family service plan in accordance with section 1477, including case management services in accordance with such service plan

SEC. 1477.(d)(6) the name of the case manager from the profession most immediately relevant to the infant's or toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons

COMPREHENSIVE CHILD DEVELOPMENT ACT
(42 U.S.C. 9881-9887)

Case Management Services

SEC. 9886.(1) the term 'early intervention services' has the same meaning given that term by section 672(2) of the Education of the Handicapped Act (20 U.S.C. 1472(2))

Section 1472(2) of the Education of the Handicapped Act is incorporated here by reference. The relevant sections follow:

SEC. 1472(2)(E)(vii) As used in this part 'Early intervention services' are developmental services which include case management services

SEC. 1472(2)(G) are provided in conformity with an individualized family service plan adopted in accordance with section 1477.

SEC. 1477.(d)(6) the name of the case manager from the profession most immediately relevant to the infant's or toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT, PART B
FEDERAL ASSISTANCE FOR PLANNING PRIORITY AREA ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES
(42 U.S.C. 6021-6030)

Case Management Services

SEC. 6023.(b)(3)(C) A habilitation plan for a person with developmental disabilities shall meet the following requirements: provide for a case manager who will be responsible for coordinating the implementation of the plan.

SEC. 6001.(16) The term "case management activities" means priority area activities to establish a potentially life-long, goal-oriented process for coordinating the range of assistance needed by persons with developmental disabilities and their families, which is designed to ensure accessibility, continuity of supports and services, and accountability and to ensure that the maximum potential of persons with developmental disabilities for independence, productivity, and integration into the community is attained.

SOCIAL SECURITY ACT, TITLE V
MATERNAL AND CHILD HEALTH BLOCK GRANT
(42 U.S.C. 701-709)

Case Management Services

SEC. 501(a)(1) for the purposes of enabling each state

(D) to provide and to promote family-centered, community-based, coordinated care (including care coordination services, as defined in subsection (b)(3) for children with special health care needs and to facilitate the development of community-based systems of services for such children and their families;

(3) The term "care coordination services" means services to promote the effective and efficient organization and utilization of resources to assure access to necessary comprehensive services for children with special health care needs and their families.

SEC. 501(a)(3) subject to section 502(b) for the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for developing and expanding the following--

(A) maternal and infant health home visiting programs in which case management services as defined in subparagraphs (a) and (B) of subsection(b)(4), health education services, and related social support services are provided in the home to pregnant women or families with an infant up to the age one by an appropriate health professional or by a qualified nonprofessional acting under the supervision of a health care professional,

(b) For purpose of this title:

(4) The term "case management services" means--

(A) with respect to pregnant women, services to assure access to quality prenatal, delivery, and postpartum care; and

(B) with respect to infants up to age one, services to assure access to quality preventative and primary care services.

PUBLIC HEALTH SERVICE ACT, TITLE XIX, PART B
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT
(42 U.S.C. 300x - 300x-9)

Case Management Services

SEC. 300x-3.(a)(2) Except as provided in subsection (b) and (c) of this section, amounts paid to a State under section 300x-2 of this title and amounts transferred by the State for use under this part may be used by the State for grants to community mental health centers in accordance with section 300x-4(c) of this title and grants to community mental health centers for the provision of the following services:

(A) Services for chronically mentally ill individuals, which include identification of chronically mentally ill individuals and assistance to such individuals in gaining access to essential services through the assignment of case managers

PUBLIC HEALTH SERVICE ACT, SECTION 330
COMMUNITY HEALTH CENTERS
(42 U.S.C. 254c)

Case Management Services

SEC. 254c.(a)(6) For purposes of this section, the term "community health center" means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides patient case management services (including outreach, counseling, referral, and follow-up services)

PUBLIC HEALTH SERVICE ACT, SECTION 329
MIGRANT HEALTH CENTERS
(42 U.S.C. 254b)

Case Management Services

SEC. 254b.(a)(1)(H) For purposes of this section the term "migrant health center" means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides patient case management services (including outreach, counseling, referral, and follow-up services) for migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, within the area it serves (referred to in this section as a "catchment area") and individuals who have previously been migratory agricultural workers but can no longer meet the requirements of paragraph (2) of this subsection because of age or disability and members of their families within the area it serves.

CHILD ABUSE PREVENTION AND TREATMENT
(42 U.S.C. 5101-5106)

Case Management Services

SEC. 5106a.(f)(3) The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including-

(A) existing social and health services;

(B) financial assistance; and

(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption.

SEC. 5016(c) Discretionary Grants.--In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for the following:

(6)(A) Providing hospital-based information and referral services to--

(i) parents of children with handicaps; and

(ii) children who have been neglected or abused and their parents.

(iv) the provision of appropriate follow-up services to parents of a child described in subparagraph (B) after the child has left the hospital; and

(C)(v) In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for services, as determined as appropriate by the grantee, provided under a grant received under this paragraph shall be hospital-based and shall consist of where necessary, assistance in coordination of community services available to parents of children described in subparagraph(B)

STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT, TITLE VI-B
PUBLIC HEALTH SERVICE ACT, TITLE V-C
COMMUNITY MENTAL HEALTH SERVICES FOR THE HOMELESS
(42 U.S.C. 290aa et seq.)

Case Management Services

SEC. 524(a)(5) The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State agrees that projects receiving amounts pursuant to such section will provide appropriate case management services to homeless individuals, including

(A) preparing a plan for the provision of community mental health services to the homeless individual involved and reviewing such plan not less than once every 3 months;

(B) providing assistance in obtaining and coordinating social and maintenance services for the individuals, including services relating to daily living activities, transportation services, and habilitation and rehabilitation services, prevocational and vocational services, and housing services;

(C) providing assistance to the individuals in obtaining income support services, including housing assistance, food stamps, and supplemental security income benefits;

(D) referring the individual for such other services as may be appropriate; and

(E) providing representative payee services in accordance with section 1631(a)(2) of the Social Security Act if the individual is receiving aid under title XVI of such Act and if the applicant is designated by the Secretary to provide such services

Comparative Analysis: Parent Training

For this component, each of the 25 programs was reviewed to ascertain if provisions are included which either require or allow funds to be used for parent training activities. These activities could include training parents and/or families to inform them about program provisions or to enable them to participate in program activities. Under EHA, Part H, the statutory language requires that early intervention services include family training, counseling and home visits but no definition is provided which explains what type of activities could be implemented to meet this requirement. Thus, it is not possible to determine the extent to which parent training activities provided under EHA, Part H are similar to those required by other Federal programs. In addition to EHA, Part H, twelve of the programs (see Table 3) reviewed include parent training provisions:

- EHA, Part C, RRCs - Under this program, which establishes funding for regional resource and Federal centers, statutory language requires that consultation, technical assistance and training be provided to State educational agencies and through such agencies to local educational agencies and other appropriate State agencies providing early intervention services. The services provided by a regional resource center are primarily determined based on priority needs identified by the States served by the center. However, statutory language requires that each regional resource center assist in the improvement of information dissemination to and training activities for professionals and parents of infants, toddlers, children, and youth with handicaps.

- EHA, Part C, Services for Deaf-Blind - Programs under Part C of the Education of the Handicapped Act must facilitate the involvement of parents in the education of their children and youth with deaf-blindness. Such programs may include training, consultative and counseling services for the families of deaf-blind children and youth.

- Chapter 1, Handicapped - Statutory language authorizing funds for programs operated by State agencies for children with handicaps states that such programs may include parent training. A description of the type of activities which could be conducted under this provision is not included.

- Even Start - Under the Even Start program, parents are to be trained to support the educational growth of their children. The statutory language does not detail how this requirement is to be implemented.

- Chapter 1, Basic Program - The statutory language for the Chapter 1, Basic Program includes detailed provisions for parent involvement activities, including parent training programs. Goals of the parent involvement activities include: building parents' capacity to improve their children's learning in the home and in the school; informing parents of participating children of the program, the reasons for their children's participation in such programs, and the specific instructional objectives and methods of the program; supporting the efforts of parents to work with their children in the home to attain the instructional objectives of the Chapter 1 program, and to understand the program requirements; and building a partnership between home and school.

- Bilingual Education, Part A - Bilingual education programs are to include training of parents, but the statutory language does not describe the types of activities which can be undertaken, nor the goals of such activities.

- Bilingual Education, Part C - Part C of the Bilingual Education Act provides funds for training and technical assistance to parents and educational personnel participating in or preparing to participate in bilingual education programs for limited English proficient students. The statutory language does not address the goals of the training nor the types of acceptable activities.

- CCD - The Comprehensive Child Development Act incorporates by reference the requirements of EHA, Part H to include family training. In addition, statutory provisions allow the delivery of services to better enable parents and other family members to contribute to their child's healthy development, including training services.

- DD, Part B - Under the statutory requirements for Part B of the Developmental Disabilities Assistance and Bill of Rights Act, training can be provided to family members of persons with developmental disabilities to obtain access to services, including specialized services or special adaptation of generic services for persons with developmental disabilities and the families of such persons.

- DD, UAPs - University Affiliated Programs, authorized under Part D of the Developmental Disabilities Assistance and Bill of Rights Act must include interdisciplinary training for parents of persons with developmental disabilities. The statutory requirements also state that training to family members of persons with developmental disabilities can be provided to support the independence, productivity, and integration into the community of persons with developmental disabilities. No detail is provided as to the specific activities which may be undertaken to meet these provisions.

- Child Welfare Services - The Social Security Act allows the conduct of demonstration projects which can assist the parent in such ways as to prevent inappropriate hospitalization of infants and to allow infants to return to the parent. This program also provides opportunities to train foster care families.

- Child Abuse Prevention and Treatment - The Child Abuse Prevention and Treatment program allows funds to be used for training programs to provide instruction in methods of protecting children from child abuse and neglect to children and persons responsible for the welfare of children, including parents of and persons who work with children with handicaps. In addition, the statutory language authorizes training programs designed to improve the provision of services to infants with disabilities who have life-threatening conditions and for the parents of such infants.

As noted above, it is impossible to determine the extent to which requirements for parent training programs among these programs are consistent with Part H requirements as the statutory language for the Part H program does not provide any details on the activities or goals of parent training provisions. Similarly, many of the programs which either require or allow parent training programs do not specify the activities which would meet the requirements for parent training, nor are the goals of such activities delineated. Among the education programs, there is a tendency not to specify objectives of training programs. However, parent training activities under both the Even Start program and the Chapter 1, Basic programs have a major focus of assisting families to support the educational growth of their children. The Comprehensive Child Development Act also has as a goal, to enable the family to contribute to their child's development. Thus there is some consistency across these three programs in the purposes of parent training. For parents whose children are receiving services under more than one of these programs, it may be possible that training activities could be coordinated. Regulatory language may clarify this possibility.

For the other four programs specifying objectives for parent training (DD, Part B; DD, Part D; Foster Care and Adoption Assistance; and Child Abuse Prevention and Treatment) each is specific to the program purposes; for example, the focus of parent training activities under the Child Abuse Prevention and Treatment program is to provide instruction in methods of protecting children from child abuse and neglect. From the statutory language, it does not appear that there is conflict among the programs in their parent training requirements, A review of regulatory language may clarify coordination activities.

Table 3

Matrix of Parent Training Activities by Program

Category	EHA, Part H	EHA, Part C, RRC	EHA, Part C, Services for Deaf-Blind	Chapter 1: Handicapped	Chapter 1: Even Start	Chapter 1: Basic	Bilingual Ed: Part A	Bilingual Ed: Part C	CCD	DD, Part B	DD:UAP	Child Welfare	Child Abuse Prevention
Family Training	Family Training	Family Training	Training	May include but are not limited to training of parents	Training parents to support the educational growth of their children...	Training	Training	Training and technical assistance	Family Training	Training	Training	Training to parents and foster care families	Training
Counseling	Counseling	Counseling	Counseling						Counseling				Counseling
Home visits	Home visits	Home visits				Home visits			Home visits				
Parent Involvement			Facilitation of parental involvement in the education of their children			[Extensive parent involvement options]							
Consultation			Consultative ...services										
Other		Improvement of information dissemination to...parents			Programs that promote adult literacy				[Intensive... comprehensive supportive services]			Rehabilitative services to parents.	Information dissemination to...parents.

Legislative Excerpts Related to Parent Training

EDUCATION OF THE HANDICAPPED ACT, PART H
HANDICAPPED INFANTS AND TODDLERS PROGRAM
(20 U.S.C. 1471-1485)

Parent Training

SEC. 1472.(2)(E)(i) As used in this part early intervention services are developmental services which include family training, counseling, and home visits

EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 1421
REGIONAL RESOURCE AND FEDERAL CENTERS
(20 U.S.C. 1421)

Parent Training

SEC. 1421.(a)(4) The Secretary may make grants to, or enter into contracts or cooperative agreements with, institutions of higher education, public agencies, private nonprofit organizations, State educational agencies, or combinations of such agencies or institutions (which combinations may include one or more local educational agencies) within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional resource centers. Each regional resource center shall provide consultation, technical assistance, and training to State educational agencies and through such State educational agencies to local educational agencies and to other appropriate State agencies providing early intervention services. The services provided by a regional resource center shall be consistent with the priority needs identified by the States served by the center and the findings of the Secretary in monitoring reports prepared by the Secretary under section 1417 of the Act. Each regional resource center established or operated under this section shall assist in the improvement of information dissemination to and training activities for professionals and parents of handicapped infants, toddlers, children, and youth

EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 1422
SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH
(20 U.S.C. 1422)

Parent Training

SEC. 1422.(a)(2) A grant, cooperative agreement, or contract pursuant to paragraph (1)(A) may be made only for programs providing (A) technical assistance to agencies, institutions, or organizations providing educational services to deaf-blind children or youth; (B) preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, deaf-blind children or youth; (C) replication of successful innovative approaches to providing educational or related services to deaf-blind children and youth; and (D) facilitation of parental involvement in the education of their deaf-blind children and youth. Such programs may include - ...(iii) consultative, counseling, and training services for the families of deaf-blind children and youth

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART D, PROGRAMS OPERATED BY STATE AGENCIES
SUBPART 2, PROGRAMS FOR HANDICAPPED CHILDREN
(20 U.S.C. 2791-2796)

Parent Training

SEC. 2793.(a)(7) Programs and projects authorized under this subpart may include, but are not limited to training of parents of handicapped children

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2794.(c)(1) Any such application [by a State agency or by a local education agency for a subgrant] shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The provisions for parent training under Part H of the Education of the Handicapped Act are incorporated here by reference. The relevant section follow:

SEC. 1472.(2)(E)(i) As used in this part 'early intervention services' are developmental services which include family training, counseling, and home visits.

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN PART B, EVEN START PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
(20 U.S.C. 2741-2749)

Parent Training

SEC. 2744.(b)(4) Each program assisted under this part shall include the establishment of instructional programs that promote adult literacy, training parents to support the educational growth of their children, and preparation of children for success in regular school programs

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN PART A, BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
(20 U.S.C. 2711-2731)

Parent Training

SEC. 2725.(b)(4) A school may be designated for a schoolwide project under subsection (a) if appropriate training is provided to parents of children to be served, teachers, librarians, and other instructional, administrative, and pupil services personnel to enable them effectively to carry out the plan

SEC. 2725.(d)(2) In addition to uses under section 2721, funds may be used in schoolwide projects for other activities to improve the instructional program and pupil services in the school, such as reducing class size, training staff and parents of children to be served, and implementing extended schoolday programs.

SEC. 2726.(a)(3) For purposes of this section, parental involvement includes, but is not limited to, parent input into design and implementation of programs under this chapter, volunteer or paid participation by parents in school activities, and programs, training, and materials which build parents' capacity to improve their children's learning in the home and in school.

SEC. 2726.(b) In carrying out the requirements of subsection (a), a local educational agency shall, in coordination with parents of participating children, develop programs, activities, and procedures which have the following goals -

(1) to inform parents of participating children of the program under this chapter, the reasons for their children's participation in such programs, and the specific instructional objectives and methods of the program;

(2) to support the efforts of parents, including training parents, to the maximum extent practicable, to work with their children in the home to attain the instructional objectives of programs under this chapter and to understand the program requirements of this chapter and to train parents and teachers to build a partnership between home and school;

SEC. 2726.(c)(5) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers: parent training programs and reasonable and necessary expenditures associated with the attendance of parents at training sessions; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

BILINGUAL EDUCATION ACT, PART A
FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS
(20 U.S.C. 3281-3292)

Parent Training

SEC. 3291.(c)(2)(I) Applications for grants authorized under subsection (a)(1), (a)(2), and (a)(3) of this section shall contain information regarding the activities which would be undertaken under the grant, including training of educational personnel and parents, and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available

BILINGUAL EDUCATION ACT, PART C
TRAINING AND TECHNICAL ASSISTANCE
(20 U.S.C. 3321-3325)

Parent Training

SEC. 3321.(a)(5) Funds available under this part shall be used in the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

COMPREHENSIVE CHILD DEVELOPMENT ACT
(42 U.S.C. 9881-9887)

Parent Training

SEC. 9886.(1) the term 'early intervention services' has the same meaning given that term by section 672(2) of the Education of the Handicapped Act (20 U.S.C. 1472(2))

Section 1472(2) of the Education of the Handicapped Act is incorporated here by reference. The relevant section follows:

SEC. 1472(2)(E)(i) As used in this part 'Early intervention services' are developmental services which include family training, counseling, and home visits

68

SEC. 9886.(4)(B) As used in this subchapter the term 'intensive and comprehensive supportive services' means in the case of parents and other family members, services designed to better enable parents and other family members to contribute to their child's healthy development and such term includes prenatal care; education in infant and child development, health, nutrition, and parenting; referral to education, employment counseling and training as appropriate; and assistance in securing adequate income support, health care, nutritional assistance, and housing

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT, PART B
FEDERAL ASSISTANCE FOR PLANNING PRIORITY AREA ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES
(42 U.S.C. 6021-6030)

Parent Training

SEC. 6001.(9)(E) The term "priority area activities" includes, with respect to Federal priority areas or a State priority area the training of persons with developmental disabilities, family members of such persons, and personnel, including professionals, paraprofessionals, students, and volunteers, to obtain access to, or to provide, services and other assistance in the area, including specialized services or special adaptations of generic services for persons with developmental disabilities and the families of such persons;

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT, PART D
UNIVERSITY AFFILIATED PROGRAMS
(42 U.S.C. 6061-6064)

Parent Training

SEC. 6001.(18) The term "university affiliated program" means a program operated by a public or nonprofit private entity which is associated with, or is an integral part of, a college or university and which provides for at least the following activities:

(A) Interdisciplinary training for personnel concerned with developmental disabilities, including parents of persons with developmental disabilities, professionals, paraprofessionals, students, and volunteers, which is conducted at a facility and through outreach activities.

SEC. 6062.(c) From amounts appropriated under section 6064(b), the Secretary may make grants to university affiliated programs receiving grants under subsection (a) to support one or more of the following activities;

(1) The provision of service-related training to persons with developmental disabilities, family members of such persons, professionals, volunteers, or other personnel to enable such persons, family members, professionals, volunteers, or personnel to provide services to increase or maintain the independence, productivity, and integration into the community of persons with developmental disabilities

(2) The conduct of an applied research program designed to produce more efficient and effective methods for (A) the delivery of services to persons with developmental disabilities, and (B) the training of professionals, paraprofessionals, and parents who provide such services

SOCIAL SECURITY ACT, TITLE IV-B
CHILD WELFARE SERVICES
(42 U.S.C. 620 - 628)

Parent Training

SEC 626.(b)(2) The demonstration projects conducted under this section may include--

(A) multidisciplinary projects designed to prevent the inappropriate hospitalization of infants and to allow infants described in paragraph (1) to remain with or return to a parent in a residential setting, where appropriate care for the infant and suitable treatment for the parent (including treatment for drug or alcohol addiction) may be assured, with the goal (where possible) of rehabilitating the parent and eliminating the need for such care for the infant;

(B) multidisciplinary projects that assure appropriate, individualized care for such infants in a foster home or other non-medical residential setting in cases where such infant does not require hospitalization and would otherwise remain in inappropriate hospital settings, including project to demonstrate methods to recruit, train, and retain foster care families;

CHILD ABUSE PREVENTION AND TREATMENT
(42 U.S.C. 5101-5106)

Parent Training

SEC. 5106.(c)(1)(B) In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for training programs to provide instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of children, including parents of and persons who work with children with handicaps

(C) Services, as determined as appropriate by the grantee, provided under a grant received under this paragraph shall be hospital-based and shall consist of--

(i) the provision of notice to parents that information relating to community services is available;

(ii) the provision of appropriate information to parents of a child with handicaps regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child;

(iii) the provision of appropriate information to parents of a child who has been neglected or abused regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child and reduce the possibility of abuse or neglect;

SEC. 5106a.(f)(2) The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for (A) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions including personnel employed in child protective services programs and health-care facilities; and (B) the parents of such infants

Under Part H of the Education of the Handicapped Act, many procedural safeguards are specified which protect the rights of eligible individuals and their families. Seven components are enumerated in the statutory language:

- the timely administrative resolution of complaints by parents, and the right of any party to bring a civil action with respect to the complaint;
- the right to confidentiality of personally identifiable information;
- the opportunity for parents or guardians to examine records relating to assessment, screening, eligibility and the development and implementation of the individualized family service plan;
- procedures to protect the rights of infants and toddlers with handicaps whenever the parents or guardian of a child are not known or are unavailable, including the assignment of a surrogate parent or guardian;
- written prior notice to the parents or guardian relating to initiation or change or refusal to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services;
- procedures to ensure that the written notice fully informs the parents or guardian of all available procedural safeguards; and
- during the pendency of any proceeding or action involving a complaint, unless otherwise agreed to by the State agency and the parents, the child shall continue to receive the services in the current placement, or if applying for initial services, shall receive the services not in dispute.

Among the 25 programs reviewed, nine in addition to EHA, Part H (see Table 4) also include requirements for procedural safeguards, as described below.

- EHA, Part B - Similar to EHA, Part H, the EHA, Part B program also specifies a detailed system of procedural safeguards. The components of the Part B system include:
    - an opportunity for the parents or guardian of a child with handicaps to examine all relevant records with respect to the identification,

evaluation, and educational placement of the child, and to obtain an independent educational evaluation of the child;

- procedures to protect the rights of the child whenever the parents or guardian of the child are unknown, including the assignment of a surrogate parent or guardian;
- written prior notice to the parents or guardian of the child whenever an agency proposes to initiate or change or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

- procedures to ensure that the written notice fully informs the parents or guardian of all available procedural safeguards;

- an opportunity to present complaints related to identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child, including the right to appeal to the State educational agency, the right to bring civil action, and the award of reasonable attorneys' fees as part of the costs to the parents or guardian of a child with handicaps who is the prevailing party;

- during the pendency of any proceedings, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the current placement, or if applying for initial admission to a public school, shall be placed in the public school program until all proceedings have been completed; and

- the right to confidentiality of any personally identifiable data, information, and records.

The procedural safeguard requirements for Part B of EHA are very similar to those included in the Part H program, and in fact encompass all of the Part H requirements, thus being consistent with that program. However, the Part B requirements include several components which are not included in the Part H program, including the right to an independent evaluation, the right to appeal a complaint at the State level, and the award of attorney fees.

o Chapter 1, Handicapped - The Chapter 1 program for children with handicaps served in State operated programs incorporates by reference, all of the procedural safeguards under Parts B and H of EHA. Children with handicaps receiving a free appropriate public education and such children's parents are provided all the procedural safeguards under Part B of EHA, while all infants and toddlers with handicaps and their families receiving early intervention services under the Chapter, 1, Handicapped program are protected by the procedural safeguards specified by Part H of EHA. Thus, there is consistency with the Part H statutory requirements for infants and toddlers with handicaps served in State operated programs under the Chapter 1 program.

- Bilingual Education, Part A - Under Part A of the Bilingual Education Act, parents must be informed that their children have been identified for enrollment in bilingual education programs and must be informed of the reasons for the selection, the alternative programs that are available, and the nature and goals of the program, as well as the instructional alternatives. In addition, parents must be told the instructional goals of the program and their child's progress. Parents also must be afforded the option of declining enrollment of their children in such programs. All information provided to the parents must be in a language and form that they can understand. These provisions are much more limited than the EHA, Part H requirements, and are not really similar to the comprehensive system of procedural safeguards incorporated in the Part H statute. However, as with the Part H program, the procedural safeguard requirements for the bilingual education program provide for some parent participation in the decision about their child's program, and overall the provisions are not in conflict with the Part H statutory provisions.

- DD, Part C - The purpose of Part C, Protections and Advocacy of Individual Rights, of the DD Act is to support a system in each state to protect and advocate the legal and human rights of persons with developmental disabilities. One of the functions of this system is to establish a grievance procedure for clients to assure they have full access to services in the DD system. The Protection and Advocacy (P&A) system also has the authority to investigate actual or suspected violations of its client's rights. This P&A system must be independent of any program which provides treatment, services, or habilitation to persons with developmental disabilities. The program is similar to the requirements in Part H in that it requires a complaint process. To what extent this process could be compatible with Part H can not be identified by a review of the statutes.

- Child Welfare Services - Some of the procedural safeguards specified in the statutory language for Title IV-E of the Social Security Act (Foster Care and Adoption Assistance) are incorporated by reference into the Child Welfare Services program. These provisions require that procedural safeguards be applied to assure each child in foster care under the supervision of the State receive a dispositional hearing to determine the future status of the child no later than eighteen months after the original placement and periodically thereafter during the continuation of foster care. Procedural safeguards are also required with respect to parental rights pertaining to the removal of the child from the parent's home, to a change in the child's placement, and to any determination affecting visitation privileges of parents. The statutory language does not address how such procedural safeguards should be implemented. The requirements are neither similar to nor in conflict with the statutory requirements for a system of procedural safeguards under the Part H program.

- Foster Care and Adoption Assistance - Under Title IV-E of the Social Security Act, a number of procedural safeguards are mandated by the statute. States are required to provide safeguards which restrict the use of or disclosure of information concerning individuals assisted under the Foster Care and Adoption Assistance programs, including any information which identifies the name or address of recipients. An opportunity for a fair hearing before the State agency must also be provided to any individual whose benefits are denied or not acted upon with reasonable promptness. An adoption assistance agreement must contain provisions for the protection of the interest of the child in cases where the adoptive parents and child move to another State while the agreement is effective. Additional provisions require that procedural safeguards be applied to assure that each child in foster care under the supervision of the State receive a dispositional hearing to determine the future status of the child, no later than eighteen months after the original placement and periodically thereafter during the continuation of foster care. Procedural safeguards are also required with respect to parental rights pertaining to the removal of the child from the parent's home, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

  The procedural safeguards included in the statutory language for the Foster Care and Adoption Assistance program vary from those required by Part H of EHA except for the protection of personally identifiable information. Also, the statutory requirements for the Foster Care program include a provision for an opportunity for a fair hearing, which may parallel the Part H requirements for the timely administrative resolution of complaints. Other provisions of the Foster Care and Adoption Assistance program do not appear to be in conflict with the procedural safeguards under the Part H program but neither are they similar.

- Alcohol, Drug Abuse and Mental Health Services Block Grant - Under this program, statutory requirements mandate that States have in effect a system to protect the inappropriate disclosure of patient records maintained by the State for individuals connected with activities funded under this block grant. This is similar to the Part H provision requiring confidentiality of personally identifiable information. No other procedural safeguard requirements are delineated in the statutory language for the Alcohol, Drug Abuse and Mental Health Services Block Grant Program.

- Child Abuse Prevention and Treatment - This program includes a number of procedural safeguards designed to protect the rights of an abused or neglected child and that child's parents. Statutory language requires States to provide for methods to preserve the confidentiality of all records, and the appointment of a guardian ad litem to represent the child in every case involving an abused or neglected child which results in a judicial proceeding. In addition, States must have in place procedures or programs within the State child protective services system for responding to the reporting of medical neglect or cases of suspected medical neglect, including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions. Also, the State child protective services system must be granted authority to pursue any legal remedies necessary to prevent the withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions.

  The procedural safeguard requirements under the Child Abuse Prevention and Treatment program are similar to those for the EHA, Part H program in the areas of confidentiality of information and the appointment of a guardian when necessary. Protections related to the withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions are not similar to any of the procedural safeguards under the Part H program, and are in conflict with intent of the Part H program; that is, participation in the Part H program is voluntary, not compulsory. The state is required to make services available to parents, but there are no provisions in the statute to compel their utilization.

- Health Services for the Homeless - Statutory language for this program requires that projects providing health services for the homeless ensure the confidentiality of records maintained on homeless individuals. This is similar to the confidentiality requirements included under the Part H statutory provisions.

The system of procedural safeguards required by EHA, Part H are far more comprehensive than those required of the other programs included in the comparative analysis except for the EHA, Part B program which encompasses all of the Part H requirements. In addition, the Chapter 1, Handicapped program incorporates by reference all of the requirements under Parts B and H of EHA. The requirement protecting the confidentiality of all personally identifiable information is found in four programs, including Foster Care and Adoption Assistance; Alcohol, Drug Abuse and Mental Health Services Block Grant; Child Abuse Prevention and Treatment; and Health Services for the Homeless. Six programs (Part H, Part B, Chapter 1, Handicapped, Foster Care and Adoption Assistance, Child Welfare, and DD, Part C) require some formal mechanism for hearings. None of the requirements included in the programs requiring procedural safeguards appear to be inconsistent with the other procedural safeguards provisions in the Part H statutory language.

Table 4

Matrix of Procedural Safeguards Components

Category	EHA Part H	EHA Part B	Chapter 1: Handicapped	Bilingual Ed: Part A	DD, Part C	SSA Title IV-B	SSA Title IV-E	Alcohol, Drug Abuse, Block Grant	Child Abuse Prevention & Treatment	Health Services for the Homeless
Administrative Procedures	By parents	Impartial due process. Not limited to parents. Review by SEA allowable. Parents can be awarded attorney's fees.	References Part H		Grievance Procedures		Fair hearing before state agency ... re: claim form benefits			
Civil Action	By any party	By any party. Parents can be awarded attorney's fees.	References Part H			Dispositional hearing 18 months after original placement & ... every 6 mos. to determine future status of child	Dispositional hearing 18 months after original placement & ... every 6 mos. to determine future status of child			
Confidentiality	Confidentiality requirements	Confidentiality requirements					Safeguards which restrict use of or disclosure of information.	System to protect from inappropriate disclosure of patient records.	Confidentiality of all records.	Ensure confidentiality of records.
Examine Records	Examine records.	Examine records	References Part H	Parents informed of instructional goals of program and progress of their children.						
Surrogate Parent	Surrogate Parent requirement	Surrogate Parent requirement	References Part H						Guardian ad litem during hearing	
Prior Notice	Written prior notice in native language	Written prior notice in native language.	References Part H	Parents be informed of why child needs program.						
Stay Put Clause	Stay put clause	Stay put clause	References Part H							
Other						Procedural safeguards be applied to parental rights re: removal of child from home, change in placement, visitation privileges	Procedural safeguards be applied to parental rights re: removal of child from home, change in placement, visitation privileges			

EDUCATION OF THE HANDICAPPED ACT, PART H
HANDICAPPED INFANTS AND TODDLERS PROGRAM
(20 U.S.C. 1471-1485)

Procedural Safeguards

SEC. 1476.(b)(12) The statewide system required by subsection (a) shall include, at a minimum procedural safeguards with respect to programs under this part as required by section 1480

SEC. 1480. The procedural safeguards required to be included in a statewide system under section 1476(b)(12) shall provide, at a minimum, the following:

(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(2) The right to confidentiality of personally identifiable information.

(3) The opportunity for parents and a guardian to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

(4) Procedures to protect the rights of the handicapped infant and toddlers whenever the parents or guardian of the child are not known or unavailable or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State agency providing services) to act as a surrogate for the parents or guardian.

(5) Written prior notice to the parents or guardian of the handicapped infant or toddler whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services to the handicapped infant or toddler.

(6) Procedures designed to assure that the notice required by paragraph (5) fully informs the parents or guardian, in the parents or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

(7) During the pendency of any proceeding or action involving a complaint, unless the State agency and the parents or guardian otherwise agree, the child shall continue to receive

the appropriate early intervention services currently being provided or if applying for initial services shall receive the services not in dispute.

EDUCATION OF THE HANDICAPPED ACT, PART B
ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN
(20 U.S.C. 1411-1420)

Procedural Safeguards

SEC. 1415. Procedural safeguards

Establishment and maintenance

(a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this subchapter shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

Required procedures; hearing

(b)(1) The procedures required by this section shall include, but shall not be limited to-

(A) an opportunity for the parents or guardian of a handicapped child to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

(B) procedures to protect the rights of the child whenever the parents or guardian of the child are not known, available, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, local educational agency or intermediate educational unit involved in the education or care of the child) to act as surrogate for the parents or guardian;

(C) written prior notice to the parents or guardian of the child whenever such agency or unit-

(i) proposes to initiate or change, or

(ii) refuses to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

(D) procedures designed to assure that the notice required by clause (C) fully informs the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and

(E) an opportunity to present complaints with respect to any matter relating to identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.

(2) Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child.

Review of local decision by State educational agency

(c) If the hearing required in paragraph (2) of subsection (b) of this section is conducted by a local educational agency or an intermediate educational unit, any party aggrieved by the findings and decision rendered in such a hearing may appeal to the State educational agency which shall conduct an impartial review of such hearing. The officer conducting such review shall make an independent decision upon completion of such review.

Enumeration of rights accorded parties to hearing

(d) Any party to any hearing conducted pursuant to subsections (b) and (c) of this section shall be accorded (1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children, (2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses, (3) the right to a written or electronic verbatim record of such hearing, and (4) the right to written findings of fact and decisions (which findings and decisions shall also be transmitted to the advisory panel established pursuant to section 1413(a)(12) of this title).

Civil action; jurisdiction

(e)(1) A decision made in a hearing conducted pursuant to paragraph (2) of subsection (b) of this section shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (c) and paragraph (2) of this subsection. A decision made under subsection (c) of this section shall be final, except that any party may bring an action under paragraph (2) of this subsection.

(2) Any party aggrieved by the findings and decision made under subsection (b) of this section who does not have the right to an appeal under subsection (c) of this section, and any party aggrieved by the findings and decision under subsection (c) of this section, shall have the right to bring a civil action with respect to the complaint presented

pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(3) During the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in the public school program until all such proceedings have been completed.

(A) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy.

(B) In any action or proceeding brought under this subsection, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents or guardian of a handicapped child or youth who is the prevailing party.

(C) For the purpose of this subsection, fees awarded under this subsection shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

(D) No award of attorneys' fees and related costs may be made in any action or proceeding under this subsection for services performed subsequent to the time of a written offer of settlement to a parent or guardian if-

(i) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

(ii) the offer is not accepted within ten days; and

(iii) the court or administrative officer finds that the relief finally obtained by the parents or guardian is not more favorable to the parents or guardian than the offer of settlement.

(E) Notwithstanding the provisions of subparagraph (D), an award of attorneys' fees and related costs may be made to a parent or guardian who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(F) Whenever the court finds that-

(i) the parent or guardian, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, experience, and reputation; or

(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this subsection.

(G) The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 1415 of this Act.

(f) Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, Title V of the Rehabilitation Act of 1973, or other Federal statutes protecting the rights of handicapped children and youth, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (b)(2) and (c) shall be exhausted to the same extent as would be required had the action been brought under this part.

SEC. 1417(c) The Secretary shall take appropriate action, in accordance with the provisions of section 1232g of this title, to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to the provisions of this subchapter.

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART D, PROGRAMS OPERATED BY STATE AGENCIES
SUBPART 2, PROGRAMS FOR HANDICAPPED CHILDREN
(20 U.S.C. 2791-2796)

Procedural Safeguards

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2794.(c)(1) Any such application shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the

State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The procedural safeguards under Part B of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1415. Procedural safeguards

Establishment and maintenance

(a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this subchapter shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

Required procedures; hearing

(b)(1) The procedures required by this section shall include, but shall not be limited to-

(A) an opportunity for the parents or guardian of a handicapped child to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

(B) procedures to protect the rights of the child whenever the parents or guardian of the child are not known, available, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, local educational agency or intermediate educational unit involved in the education or care of the child) to act as surrogate for the parents or guardian;

(C) written prior notice to the parents or guardian of the child whenever such agency or unit-

(i) proposes to initiate or change, or

(ii) refuses to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

(D) procedures designed to assure that the notice required by clause (C) fully informs the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and

(E) an opportunity to present complaints with respect to any matter relating to identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.

(2) Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child.

Review of local decision by State educational agency

(c) If the hearing required in paragraph (2) of subsection (b) of this section is conducted by a local educational agency or an intermediate educational unit, any party aggrieved by the findings and decision rendered in such a hearing may appeal to the State educational agency which shall conduct an impartial review of such hearing. The officer conducting such review shall make an independent decision upon completion of such review.

Enumeration of rights accorded parties to hearing

(d) Any party to any hearing conducted pursuant to subsections (b) and (c) of this section shall be accorded (1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children, (2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses, (3) the right to a written or electronic verbatim record of such hearing, and (4) the right to written findings of fact and decisions (which findings and decisions shall also be transmitted to the advisory panel established pursuant to section 1413(a)(12) of this title).

Civil action; jurisdiction

(e)(1) A decision made in a hearing conducted pursuant to paragraph (2) of subsection (b) of this section shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (c) and paragraph (2) of this subsection. A decision made under subsection (c) of this section shall be final, except that any party may bring an action under paragraph (2) of this subsection.

(2) Any party aggrieved by the findings and decision made under subsection (b) of this section who does not have the right to an appeal under subsection (c) of this section, and any party aggrieved by the findings and decision under subsection (c) of this section, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in

controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(3) During the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in the public school program until all such proceedings have been completed.

(A) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy.

(B) In any action or proceeding brought under this subsection, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents or guardian of a handicapped child or youth who is the prevailing party.

(C) For the purpose of this subsection, fees awarded under this subsection shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

(D) No award of attorneys' fees and related costs may be made in any action or proceeding under this subsection for services performed subsequent to the time of a written offer of settlement to a parent or guardian if-

(i) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

(ii) the offer is not accepted within ten days; and

(iii) the court or administrative officer finds that the relief finally obtained by the parents or guardian is not more favorable to the parents or guardian than the offer of settlement.

(E) Notwithstanding the provisions of subparagraph (D), an award of attorneys' fees and related costs may be made to a parent or guardian who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(F) Whenever the court finds that-

(i) the parent or guardian, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, experience, and reputation; or

(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this subsection.

(G) The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably

87

protracted the final resolution of the action or proceeding or there was a violation of section 1415 of this Act.

(f) Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, Title V of the Rehabilitation Act of 1973, or other Federal statutes protecting the rights of handicapped children and youth, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (b)(2) and (c) shall be exhausted to the same extent as would be required had the action been brought under this part.

SEC. 1417(c) The Secretary shall take appropriate action, in accordance with the provisions of section 1232g of this title, to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to the provisions of this subchapter.

The procedural safeguards under Part H of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1476.(b)(12) The statewide system required by subsection (a) shall include, at a minimum procedural safeguards with respect to programs under this part as required by section 1480

SEC. 1480. The procedural safeguards required to be included in a statewide system under section 1476(b)(12) shall provide, at a minimum, the following:

(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(2) The right to confidentiality of personally identifiable information.

(3) The opportunity for parents and a guardian to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

(4) Procedures to protect the rights of the handicapped infant and toddlers whenever the parents or guardian of the child are not known or unavailable or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State agency providing services) to act as a surrogate for the parents or guardian.

(5) Written prior notice to the parents or guardian of the handicapped infant or toddler whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services to the handicapped infant or toddler.

(6) Procedures designed to assure that the notice required by paragraph (5) fully informs the parents or guardian, in the parents or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

(7) During the pendency of any proceeding or action involving a complaint, unless the State agency and the parents or guardian otherwise agree, the child shall continue to receive the appropriate early intervention services currently being provided or if applying for initial services shall receive the services not in dispute.

BILINGUAL EDUCATION ACT, PART A
FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS
(20 U.S.C. 3281-3292)

Procedural Safeguards

SEC. 3283.(c) Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form the parents understand.

SEC. 3291.(d)(1)(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) the alternative educational programs that are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form the parents understand.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND THE BILL OF RIGHTS ACT, PART C
PROTECTIONS AND ADVOCACY OF INDIVIDUAL RIGHTS
(42 U.S.C. 6041-6043)

This program provides allotments to support a system in each State to protect the legal and human rights of persons with developmental disabilities.

Procedural Safeguards

(a) In order for State to receive an allotment under subchapter II of this chapter--

(1) the State must have in effect a system to protect and advocate the rights of persons with developmental disabilities;

(2) such system must--

(A) have the authority to--

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such persons within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of minority groups; and

(B) have the authority to investigate incidents of abuse and neglect of persons with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(C) on an annual basis, provide the public with an opportunity to comment on priorities established by, and activities of, the system;

(D) establish a grievance procedure for clients or prospective clients of the system to assure that persons with developmental disabilities have full access to services of the system;

(E) not be administered by the State Planning Council;

(F) be independent of any agency which provides treatment services, or habilitation to persons with developmental disabilities; and

(G) have access to all records of--

(i) any person with developmental disabilities who is a client of the system if such person, or the legal guardian, conservator, or other legal representative of such person, has authorized the system to have such access; and

(ii) any person with developmental disabilities--

(I) who, by reason of the mental or physical condition of such person, is unable to authorize the system to have such access;

(II) who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the State; and

(III) with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe that such person has been subject to abuse or neglect;

SOCIAL SECURITY ACT, TITLE IV-B
CHILD WELFARE SERVICES
(42 U.S.C. 620 - 628)

Procedural Safeguards

Section 675(5) of Title IV-E, Federal Payments for Foster Care and Adoption Assistance, are incorporated here by reference. The relevant sections follow:

SEC. 675.(5) The term 'case review system' means a procedure for assuring that -

(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship, and

(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a dispositional hearing to be held, in family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances be continued in foster care on a permanent or long-term basis); and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

SOCIAL SECURITY ACT, TITLE IV-E
FOSTER CARE AND ADOPTION ASSISTANCE
(42 U.S.C. 670-676)

Procedural Safeguards

SEC. 671.(a)(8) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan, or program of the State under part A,B,C, or D of this title or under Title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by Title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or Federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need, and (D) any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an agency referred to in clause (D) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient; except that nothing contained herein shall preclude a State from providing standards which restrict disclosures to purposes more limited than those specified herein, or which, in the case of adoptions, prevent disclosure entirely

SEC. 671.(a)(12) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which provides for granting an opportunity for a fair hearing before the State agency to any individual whose claim form benefits available pursuant to this part is denied or is not acted upon with reasonable promptness

SEC. 675.(3) The term 'adoption assistance agreement' means a written agreement, binding on the parties to the agreement, between the State agency, other relevant agencies, and the prospective adoptive parents of a minor child which at a minimum (A) specifies the amounts of the adoption assistance payments and any additional services and assistance which are to be provided as part of such agreement, and (B) stipulates that the agreement shall remain in effect regardless of the State of which the adoptive parents are residents at any given time. The agreement shall contain provisions for the protection (under an interstate compact approved by the Secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another State while the agreement is effective.

PUBLIC HEALTH SERVICE ACT, TITLE XIX, PART B
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT
(42 U.S.C. 300x - 300x-9)

Procedural Safeguards

SEC. 300x-4.(c)(12) As part of the annual application required by subsection (a) of this section, the chief executive officer of each State shall certify as follows: That the State has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under this part or by any entity which is receiving payments from the allotment of the State under this part

CHILD ABUSE PREVENTION AND TREATMENT
(42 U.S.C. 5101-5106)

Procedural Safeguards

SEC. 5106a.(b)(4) In order for a State to qualify for a grant under subsection (a), such State shall provide for methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians

SEC. 5106a.(b)(6) In order for a State to qualify for a grant under subsection (a), such State shall provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings

SEC. 5106a.(b)(10) In order for a State to qualify for a grant under subsection (a), such State shall have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for

(A) coordination and consultation with individuals designated by and within appropriate health-care facilities;

(B) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

(C) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT, TITLE VI-A
PUBLIC HEALTH SERVICE ACT, SECTION 340
HEALTH SERVICES FOR THE HOMELESS
CATEGORICAL GRANTS FOR PRIMARY HEALTH SERVICES AND SUBSTANCE ABUSE SERVICES
(42 U.S.C. 256)

Procedural Safeguards

SEC. 340(k)(3) The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees to ensure the confidentiality of records maintained on homeless individuals receiving health services under the grant

Comparative Analysis: Advisory Councils

Legislation for the 25 programs included in the Digest was reviewed to determine if the programs are required to establish an advisory council that includes parent participants and to identify the role and responsibilities of such an advisory council. Under the EHA, Part H program a State Interagency Coordinating Council composed of 15 members is required. The Council and the chairperson of the Council are appointed by the Governor and is to represent the population of the State. At least three parents of infants or toddlers with handicaps or parents of children with handicaps aged 3 through 6 must be included on the Statewide council. The responsibilities of the State Interagency Coordinating Council are to:

- advise and assist the lead agency, particularly in the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of interagency agreements;
- advise and assist the lead agency in the preparation of applications; and
- prepare and submit an annual report on the status of early intervention programs for infants and toddlers with handicaps and their families, operated within the State.

In addition to EHA, Part H, six of the 25 programs (see Table 5) reviewed also require advisory councils, as discussed below.

- EHA, Part B - Similar to the requirements of EHA, Part H, this program requires a State advisory council appointed by the Governor which is to include parents of children with handicaps. Responsibilities of the council are to:
    - advise the State educational agency of unmet needs within the State in the education of children with handicaps;
    - provide public comments on any proposed rules or regulations regarding the education of children with handicaps; and
    - assist the State in developing and reporting data and evaluations.

The specified responsibilities of the EHA, Part B council are different from those of the EHA, Part H program, as they do not focus on financial responsibilities or preparation of applications, and the Statewide council under Part B is not required in statutory language to prepare annual status reports.

- Chapter 1, Basic Programs - Under this Chapter 1 program, statutory language relating to parent involvement activities at the local level state that activities may include parent advisory councils. No details are provided as to the composition of the council nor to the role and responsibilities of such a council. A Chapter 1 parent advisory council would differ from the type of council required by the Part H program as it is not a Statewide council but would be organized at the local level on a permissive basis.

- Bilingual Education, Part A - Under Part A of the bilingual education program, grant applicants are required to develop their applications in consultation with an advisory council of which a majority is to be parents of the children to be served in the program. After application approval, the applicant must provide for the continuing consultation with and participation of a committee which includes parents of students to be served in the program. The specific roles and responsibilities of the council are not delineated in the statutory language. The council differs from that required under EHA, Part H as it is at the program level.

- DD, Part B - Part B of the Developmental Disabilities Assistance and Bill of Rights Act requires the establishment of a State Planning Council which is to serve as an advocate for all persons with developmental disabilities. The members of the council are appointed by the Governor from among residents of the State; at least one half of the membership must consist of persons with developmental disabilities, parents or guardians of persons with developmental disabilities, or immediate relatives or guardians of persons with mentally impairing developmental disabilities. Responsibilities of the State Planning Council are to:

  - assist in development of a State plan, including the specifications of Federal and State priority area activities;

  - monitor, review, and evaluate at least annually, implementation of the State plan;

- review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities to the extent feasible; and

- submit periodic reports on council activities.

The State Planning Council for the DD, Part B program is similar in composition and method of appointment to the Advisory Council required by EHA, Part H, but differs in its role and responsibilities. There does not appear to be any overlap in responsibilities between the two councils. However, it is possible that the State Planning Council assembled for the DD, Part B program might participate in the Part H Council and review the State Plan developed under the Part H program.

o Alcohol, Drug Abuse and Mental Health Services Block Grant - This program requires establishment of a State Mental Health Planning Council which is to include the families of chronically mentally ill individuals who are receiving services. The role of the Council is to serve as an advocate for chronically mentally ill individuals, children and youth who are severely emotionally disturbed and other individuals with mental illnesses or emotional problems, and to monitor, review and evaluate at least annually, the allocation and adequacy of mental health services within the State.

The Council required by the Alcohol, Drug Abuse and Mental Health Services Block Grant is similar to that required by the Part H program only in that it is a Statewide council. The role of the Council is not similar to that under Part H, although it is not unlikely that the State Mental Health Planning Council could serve as an advocate for individuals served by the Part H program.

o Child Abuse Prevention and Treatment - The Child Abuse Prevention and Treatment program requires a State multidisciplinary task force on children's justice, which is to include parents in its composition. The State task force is charged with reviewing and evaluating State investigative, administrative and judicial handling of cases of child abuse, particularly child sexual abuse, and making recommendations in each of those areas. The task force required by this program is similar to Part H only in that it is a Statewide advisory group.

In addition to the State Interagency Coordinating Council required under EHA, Part H, four of the programs in the analysis require Statewide advisory groups (EHA, Part B; DD, Part B; Alcohol, Drug Abuse and Mental Health Services Block Grant; and Child Abuse Prevention and Treatment). Two programs (Chapter 1, Basic Programs; Bilingual Education, Part A) require parent participation in advisory groups formed at the local level. Across the programs which require parent participation in an Advisory Council, there are few similarities in the roles and responsibilities of such Councils yet all appear compatible with the State Interagency Coordinating Council required by the statutory language for the Part H program.

Table 5

Matrix of Advisory Councils Requirements

Category	EHA, Part H	EHA, Part B	Chapter 1: Basic	Bilingual Ed: Part A	DD, Part B	Alcohol, Drug Abuse and Mental Health Services Block Grant	Chid Abuse Prevention and Treatment
Called	State Interagency Coordinating Council	State Advisory Panel	(for the program) Parent advisory council	(for the program) Advisory council and committee	State Planning Council	State mental health planning council	State multidisciplinary task force on children's justice
Required	Council required	Council required	Council optional	Council required	Council required	Council required	Council required
Composition	15 members: at least 3 parents of infants or toddlers or children aged 3-6 with handicaps	Individuals involved in or concerned with the education of handicapped children including... parents or guardians		Pre-application: of which a majority shall be parents. After receipt: committee of parents,... which shall be... predominantly composed of parents of children participating in the program	Half of membership shall be persons with disabilities, parents or guardians or immediate relatives; of these, at least 1/3 shall be immediate relatives or guardians of persons with mentally impairing developmental disabilities	Council will be composed of residents in the State, including...the families of (chronically mentally ill) individuals	Task force shall include...parents...
Parent representation	Parent membership required	Parent membership required		Parent membership required		Parent membership required	Parent membership required
Appointed by	Appointed by Governor	Appointed by Governor		After receipt of assistance: committee... which shall be selected by...parents of...children participating in the program.	Appointed by Governor		State

Legislative Excerpts Related to Advisory Councils

EDUCATION OF THE HANDICAPPED ACT, PART H
HANDICAPPED INFANTS AND TODDLERS PROGRAM
(20 U.S.C. 1471-1485)

Advisory Councils

SEC. 1482(a)(1) Any State which desires to receive financial assistance under section 1473 shall establish a State Interagency Coordinating Council composed of 15 members.

(2) The Council and the chairperson of the Council shall be appointed by the Governor. In making appointments to the Council, the Governor shall ensure that the membership of the Council reasonably represents the population of the State.

(b) The Council shall be composed of -

(1) at least 3 parents of handicapped infants or toddlers or handicapped children aged 3 through 6, inclusive,

(2) at least 3 public or private providers of early intervention services,

(3) at least one representative from the State legislature,

(4) at least one person involved in personnel preparation, and

(5) other members representing each of the appropriate agencies involved in the provision of or payment for early intervention services to handicapped infants and toddlers and their families and others selected by the Governor....

...(e) The Council shall -

(1) advise and assist the lead agency designated or established under section 1476(b)(9) in the performance of the responsibilities set out in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements,

(2) advise and assist the lead agency in the preparation of applications and amendments thereto, and

(3) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for handicapped infants and toddlers and their families operated within the State

EDUCATION OF THE HANDICAPPED ACT, PART B
ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN
(20 U.S.C. 1411-1420)

Advisory Councils

SEC. 1413(a)(12) Any State meeting the eligibility requirements set forth in section 1412 of this title and desiring to participate in the program under this subchapter shall submit to the Secretary, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this subchapter, and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under section 1418

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART A, BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
(20 U.S.C. 2711-2731)

Advisory Councils

SEC. 2726.(c)(5) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers: parent training programs and reasonable and necessary expenditures associated with the attendance of parents at training sessions; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

BILINGUAL EDUCATION ACT, PART A
FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS
(20 U.S.C. 3281-3292)

Advisory Councils

SEC. 3291.(e) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall -

(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

(2) be accompanied by documentation of such consultation and by the comments which the council makes on the application;

(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served;

(4) ensure applicant support for additional advisory council activities, if support is requested by the advisory council

DEVELOPMENTAL DISABILITIES ASSISTANCE
AND BILL OF RIGHTS ACT, PART B
FEDERAL ASSISTANCE FOR PLANNING PRIORITY AREA ACTIVITIES
FOR PERSONS WITH DEVELOPMENTAL DISABILITIES
(42 U.S.C. 6021-6030)

Advisory Councils

SEC. 6024.(a) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for all persons with developmental disabilities.

(b)(1) The members of the State Planning Council of a State shall be appointed by the Governor of the State from among the residents of that State.

(2) The Governor of each State shall make appropriate provisions for the rotation of membership on the State Planning Council...

...(4) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for all persons with developmental disabilities. At least one-half of the membership of each State Planning Council shall consist of persons who --

(A) are persons with developmental disabilities;

(B) are parents or guardians of such persons; or

(C) are immediate relatives or guardians or persons with mentally impairing developmental disabilities.....

(5) Of the members of the State Planning Council described in paragraph (4) --

(A) at least one-third shall be persons with developmental disabilities,

(B)(i) at least one-third shall be individuals described in subparagraph (C) of paragraph (4), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability...

...(d) Each State planning Council shall --

(1) develop jointly with the State agency designated under section 122(b)(1)(B) the State plan required by this part including the specifications of Federal and State priority area activities under section 122(b)(5)(D)(i);

(2) monitor, review, and evaluate, not less often than annually, the implementation of such State plan;

(3) to the maximum extent feasible, review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities; and

(4) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

PUBLIC HEALTH SERVICE ACT, TITLE XIX, PART B
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT
(42 U.S.C. 300x - 300x-9)

Advisory Councils

SEC. 300x-4.(e) State mental health services planning council

(1) The State agrees to establish and maintain a State mental health planning council in accordance with this subsection.

(2) The duties of the Council will be --

(A) to serve as an advocate for chronically mentally ill individuals, severely emotionally disturbed children and youth, and other individuals with mental illnesses or emotional problems; and

(B) to monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.

(3) The Council will be composed of residents of the State, including representatives of -

(i) the principal State agencies with respect to -

(I) mental health, education, vocational rehabilitation, criminal justice, housing and social services; and

(II) the development of the plan submitted pursuant to title XIX of the Social Security Act;

(ii) pubic and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;

(iii) chronically mentally ill individuals who are receiving (or have received) mental health services; and

(iv) the families of such individuals...

(4) Not less than 50 percent of the members of the Council will be individuals who are not State employees or providers of mental health services.

...(5) The Council may assist the State in the preparation of the description of intended expenditures required in section 300x-11 of this title

CHILD ABUSE PREVENTION AND TREATMENT
(42 U.S.C. 5101-5106)

Advisory Councils

SEC. 5106c.(c)(1) Except as provided in paragraph (2), a State requesting assistance under this section shall establish or designate a State multidisciplinary task force on children's justice (hereinafter referred to as 'State task force') composed of professionals with knowledge and experience relating to the criminal justice system and issues of child abuse. The State task force shall include

(A) individuals representing the law enforcement community;

(B) judicial and legal officers (including individuals involved with the defense as well as the prosecution of such cases);

(C) child advocates;

(D) health and mental health professionals;

(E) individuals representing child protective service agencies;

(F) individuals experienced in working with children with handicaps;

(G) parents; and

(H) representatives of parents' groups

SEC. 5106c.(d) Before a State receives assistance under this section, the State task force shall --

(1) review and evaluate State investigative, administrative and judicial handling of cases of child abuse, particularly child sexual abuse; and

(2) make recommendations in each of the categories described in subsection (e). The task force may make such other comments and recommendations as are considered relevant and useful.

Comparative Analysis: Other Relevant Activities Involving Families

Part H of EHA is notable for its focus on a family-centered service delivery system and for the many protections and opportunities for family involvement included in the statutory language. All of the major provisions impacting families of infants and toddlers with handicaps included in the Part H statute have been addressed in the other seven areas discussed in this report. However, several of the programs in the Digest include significant provisions impacting families for which similar provisions are not included in the Part H statute. These provisions are discussed below for the eight programs including such activities in their statutory language.

- EHA, Part B - Under Part B of EHA, local as well as State educational agencies are required to establish procedures for participation and consultation with individuals involved in or concerned with the education of children with handicaps, including the parents or guardians of such children. The goals of this participation are not delineated in the statutory language.

- EHA, Part C, EEHC - The Early Education for Handicapped Children program established by Part C of EHA requires the encouragement of the participation of the parents of children with handicaps in the development and operation of experimental, demonstration, and outreach preschool and early intervention programs.

- Chapter 1, Handicapped - Programs for children with handicaps authorized under the Chapter 1 program may include outreach activities to identify and involve children with handicaps and their families more fully in a wide range of educational and recreational activities in their communities. In addition, statutory language requires that parents of children to be served with Chapter 1 funds be provided an opportunity to participate in the development of the application for project funds.

- Chapter 1, Basic Programs - As with the Chapter 1, Handicapped Program, the Chapter 1 Basic Program provisions also require that the program involve parents in the development of the project application. Statutory language also requires the involvement of parents in the development of a plan for any schoolwide project authorized by the Chapter 1 statute. In addition, there are a number of other very detailed provisions requiring parent involvement activities at the local level which must be planned and implemented in consultation with parents of participating children.

The statutory language for the Chapter 1 Basic Program also specifies six goals of parental involvement activities which are focused on building home-school partnerships. The goals of parent involvement activities are:

- to inform parents of participating children of the program, the reasons for their children's participation in such programs, and the specific instructional objectives and methods of the program;

- to support the efforts of parents to work with their children in the home to attain the instructional objectives of projects under this program and to understand the program requirements of the chapter, and to train parents and teachers to build a partnership between home and school;

- to train teachers and other staff involved in Chapter 1 programs to work effectively with the parents of participating students;

- to consult with parents, on an ongoing basis, concerning how the school and parents can better work together to achieve the program's objectives;

- to provide a comprehensive range of opportunities for parents to become informed about the design, operation and evaluation of the program, allowing opportunities for parental participation; and

- to ensure opportunities for the full participation of parents who lack literacy skills or whose native language is not English.

In addition, local educational agencies are required to develop written policies to ensure that parents are involved in the planning, design, and implementation of programs; to convene an annual meeting to which all parents of participating children are invited to explain the programs and activities provided under the Chapter 1 program; to provide parents of participating children with reports on the children's progress, and to the extent practical hold a parent-teacher conference to discuss the child's progress, placement, and methods by which parents can complement the child's instruction. Parent programs, activities, and procedures may include regular parent conferences; parent resource centers; parent training programs; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents to coordinate parent activities and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter; soliciting parents' suggestions in the planning, development, and operation of the program; providing timely response to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

Parents of participating children are expected to cooperate with the local educational agency by becoming knowledgeable of the program goals and activities and by working to reinforce their children's training at home.

- Bilingual Education, Part A - Part A of the Bilingual Education Act authorizes the use of funds for family English literacy programs which may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children.

- Head Start - Statutory language for the Head Start Act requires that Head Start programs provide for direct participation of the parents of participating children in the development, conduct, and overall program direction at the local level. Also, a Head Start agency must provide technical and other support needed to enable parents to secure on their own behalf available assistance from public and private sources.

- Child Welfare Services - Child Welfare Services authorized by Title IV-B of the Social Security Act are to be directed toward a number of goals focused on the family, including reasonable efforts to prevent the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, preventing breakup of the family where the prevention of child removal is desirable and possible, and restoring to their families children who have been removed, by the provision of services to the child and the families.

- Child Abuse Prevention and Treatment - Projects conducted under the Child Abuse Prevention and Treatment program may include programs and projects for parent self-help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs designed to reach parents of children in populations in which risk is high.

Across the eight programs which provide for additional parent involvement activities most of the required provisions are focused on involving parents in the delivery of services provided to their children. For example, the Chapter 1 Basic Program which is by far the most comprehensive and detailed in its requirements for parental involvement, requires many activities for involving parents in the Chapter 1 program provided to their children, with a major goal of advancing home-school partnerships.

Several of the other programs also include requirements for parent involvement in the development and implementation of authorized programs (EHA, Part C; Chapter 1, Handicapped; Chapter 1, Basic: Bilingual Education; and Head Start). Similar provisions are not included in the statutory language for EHA, Part H.

For Child Welfare Services and the Child Abuse Prevention and Treatment program, the statutory language details specific types of services to be provided to parents and families. Such services are not in conflict with Part H requirements and in fact may be consistent with the types of services identified as needed by families of infants and toddlers with handicaps served under the Part H program.

Legislative Excerpts Related to Other Activities Requiring Parent/Family Involvement

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EDUCATION OF THE HANDICAPPED ACT, PART B
ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN
(20 U.S.C. 1411-1420)

Other Relevant Activities Involving Families

SEC. 1412(7) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children

SEC. 1414(a)(1)(C)(iii) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411 for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide satisfactory assurance that payments under this subchapter will be used for excess costs directly attributable to programs which establish a goal of providing full educational opportunities to all handicapped children, including the participation and consultation of the parents or guardian of such children

EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 1423
EARLY EDUCATION FOR HANDICAPPED CHILDREN
(20 U.S.C. 1423)

Other Relevant Activities Involving Families

SEC. 1423.(a)(1) The Secretary may arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations, for the development and operation of experimental, demonstration, and outreach preschool and early intervention programs for handicapped children which the Secretary determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, speech, language development, and self-help skills of such children, (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART D, PROGRAMS OPERATED BY STATE AGENCIES
SUBPART 2, PROGRAMS FOR HANDICAPPED CHILDREN
(20 U.S.C. 2791-2796)

Other Relevant Activities Involving Families

SEC. 2793.(a)(10) Programs and projects authorized under this subpart may include, but are not limited to outreach activities to identify and involve handicapped children and their families more fully in a wide range of educational and recreational activities in their communities

SEC. 2794.(c)(6) Any such application shall provide assurances that the parents of children to be served with funds under this subpart are provided an opportunity to participate in the development of its project application

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART A, BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
(20 U.S.C. 2711-2731)

Other Relevant Activities Involving Families

SEC. 2722.(b) A local educational agency may receive a grant under this chapter for any fiscal year if it has on file with the State educational agency an application which describes the procedure to be used under section 2724(b) to assess students' needs and establish program goals, describes the programs and projects to be conducted with such assistance for a period of not more than 3 years, and describes the desired outcomes for eligible children, in terms of basic and more advanced skills that all children are expected to master, which will be used as the basis for such application has been approved by the State educational agency and developed in consultation with teachers and parents.

SEC. 2725.(b)(2) A school may be designated for a schoolwide project under subsection (a) if the plan has been developed with the involvement of those individuals who will be engaged in carrying out the plan, including parents, teachers, librarians, education aides, pupil services personnel, and administrators (and secondary students if the plan relates to a secondary school)

SEC. 2726. PARENTAL INVOLVEMENT.

(a) FINDINGS; GENERAL REQUIREMENT.-

(1) Congress finds that activities by schools to increase parental involvement are a vital part of programs under this chapter.

(2) Toward that end, a local educational agency may receive funds under this chapter only if it implements programs, activities, and procedures for the involvement of parents in programs assisted under this chapter. Such activities and procedures shall be planned and implemented with meaningful consultation with parents of participating children and must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the goals under subsection (b).

(3) For purposes of this section, parental involvement includes, but is not limited to, parent input into design and implementation of programs under this chapter, volunteer or paid participation by parents in school activities, and programs, training, and materials which build parents' capacity to improve their children's learning in the home and in school.

(b) GOALS OF PARENTAL INVOLVEMENT. - In carrying out the requirements of subsection (a), a local educational agency shall, in coordination with parents of participating children, develop programs, activities, and procedures which have the following goals -

(1) to inform parents of participating children of the program under this chapter, the reasons for their children's participation in such programs, and the specific instructional objectives and methods of the program;

(2) to support the efforts of parents, including training parents, to the maximum extent practicable, to work with their children in the home to attain the instructional objectives of programs under this chapter and to understand the program requirements of this chapter and to train parents and teachers to build a partnership between home and school;

(3) to train teachers and other staff involved in programs under this chapter to work effectively with the parents of participating students;

(4) to consult with parents, on an ongoing basis, concerning the manner in which the school and parents can better work together to achieve the program's objectives and to give parents a feeling of partnership in the education of their children;

(5) to provide a comprehensive range of opportunities for parents to become informed, in a timely way, about how the program will be designed, operated, and evaluated, allowing opportunities for parental participation, so that parents and educators can work together to achieve the program's objectives; and

(6) to ensure opportunities, to the extent practicable, for the full participation of parents who lack literacy skills or whose native language is not English.

(c) MECHANISMS FOR PARENTAL INVOLVEMENT.-

(1) Each local educational agency, after consultation with and review by parents, shall develop written policies to ensure that parents are involved in the planning, design, and implementation of programs and shall provide such reasonable support for parental involvement activities as parents may request. Such policies shall be made available to parents of participating children.

(2) Each local educational agency shall convene an annual meeting to which all parents of participating children shall be invited, to explain to parents the programs and activities provided with funds under this chapter. Such meetings may be districtwide or at the building level, as long as all such parents are given an opportunity to participate.

(3) Each local educational agency shall provide parents of participating children with reports on the children's progress, and, to the extent practical, hold a parent-teacher conference with the parents of each child served in the program, to discuss that child's progress, placement, and methods by which parents can complement the child's instruction. Educational personnel under this chapter shall be readily accessible to parents and shall permit parents to observe activities under this chapter.

(4) Each local educational agency shall (A) provide opportunities for regular meetings of parents to formulate parental input into the program, if parents of participating children so desire; (b) provide parents of participating children with timely information about the program; and (C) make parents aware of parental involvement requirements and other relevant provisions of programs under this chapter.

(5) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers: parent training programs and reasonable and necessary expenditures associated with the attendance of parents at training sessions; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

(6) Parents of participating children are expected to cooperate with the local educational agency by becoming knowledgeable of the program goals and activities and by working to reinforce their children's training at home.

SEC. 2726.(e) Information, programs, and activities for parents pursuant to this section shall be provided, to the extent practicable, in a language and form which the parents understand.

SEC. 2731.(a)(4) Each local educational agency shall annually assess through consultation with parents, the effectiveness of the parental involvement program and determine what action needs to be taken, if any, to increase parental participation.

BILINGUAL EDUCATION ACT, PART A
FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS
(20 U.S.C. 3281-3292)

Other Relevant Activities Involving Families

SEC. 3291.(a)(5) Funds available for grants under this part shall be used for the establishment, operation, and improvement of family English literacy programs.

SEC. 3283.(a)(7) The term 'family English literacy program' means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title. Such programs of instruction may include instruction designed to enable aliens who are otherwise eligible for temporary resident status under section 245a of the Immigration and Nationality Act to achieve a minimal understanding of ordinary English and a knowledge and understanding of history and government of the United States as required by section 312 of such Act.

SEC. 3291.(d)(1)(B) During the first 12 months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant may engage exclusively in preservice activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children.

HEAD START ACT
(42 U.S.C. 9831-9852)

Other Relevant Activities Involving Families

SEC. 9833.(a) The Secretary may, upon application by an agency which is eligible for designation as a Head Start agency pursuant to section 9836 of this title, provide financial assistance to such agency for the planning, conduct, administration, and evaluation of a Head Start program focused primarily upon children from low-income families who have not reached the age of compulsory school attendance which (1) will provide such comprehensive health, nutritional, educational, social, and other services as will aid the children to attain their full potential; and (2) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level

SEC. 9836.(f) The Secretary shall require that the practice of significantly involving parents and area residents affected by the program in selection of Head Start agencies be continued

SEC. 9837.(b) In order to be so designated, a Head Start agency must also (1) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests; (2) provide for their regular participation in the implementation of such programs; (3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources

SOCIAL SECURITY ACT, TITLE IV-B
CHILD WELFARE SERVICES
(42 U.S.C. 620 - 628)

Other Relevant Activities Involving Families

SEC. 625.(a)(1) For purposes of this subchapter, the term "child welfare services" means public social services which are directed toward the accomplishment of the following purposes: (A) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (B) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (D) restoring to their families children who have been removed, by the provision of services to the child and the families; (E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (F) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

SEC. 627.(b) If, for each of any two consecutive fiscal years after the fiscal year 1979, there is appropriated under section 420 a sum equal to $266,000,000, each State's allotment amount for any fiscal year after such two consecutive fiscal years shall be reduced to an amount equal to its allotment amount for the fiscal year 1979, unless such State--

(3) has implemented a preplacement preventive service program designed to help children remain with their families.

CHILD ABUSE PREVENTION AND TREATMENT
(42 U.S.C. 5101-5106)

Other Relevant Activities Involving Families

SEC. 5106.(c)(2) In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for such other innovative programs and projects as the Secretary may approve, including programs and projects for parent self-help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs designed to reach parents of children in populations in which risk is high, that show promise of successfully preventing and treating cases of child abuse and neglect, and for a parent self-help program of demonstrated effectiveness which is national in scope.

REFERENCES

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APPENDIX
DIGEST OF SELECTED PROVISIONS OF MAJOR FEDERAL PROGRAMS AFFECTING INFANTS AND TODDLERS WITH HANDICAPS AND THEIR FAMILIES

EDUCATION OF THE HANDICAPPED ACT, PART H
HANDICAPPED INFANTS AND TODDLERS PROGRAM
(20 U.S.C. 1471-1485)

Part H of the Education of the Handicapped Act provides assistance to States to develop a/nd implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program to provide early intervention services for infants and toddlers with handicaps and their families.

Individuals eligible for services under Part H include children from birth to age two, inclusive, who are experiencing developmental delays in cognitive development, physical development, language and speech development, psychosocial development, and/or self-help skills or those who have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay. At State discretion, eligible children may also include those from birth to age two, inclusive, who are at risk of having substantial developmental delays if early intervention services are not provided. Families of eligible children are also eligible for services.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 1472.(2)(E)(ix) As used in this part 'early intervention services' are developmental services which include early identification, screening, and assessment services

SEC. 1472.(2)(E)(viii) As used in this part 'early intervention services' are developmental services which include medical services only for diagnostic or evaluation purposes.

SEC. 1476.(b)(3) The statewide system required by subsection (a) shall include, at a minimum a timely, comprehensive, multidisciplinary evaluation of the functioning of each handicapped infant and toddler in the State and the needs of the families to appropriately assist in the development of the handicapped infant or toddler

SEC. 1476.(b)(5) The statewide system required by subsection (a) shall include, at a minimum a comprehensive child find system, consistent with part B [of EHA], including a system for making referrals to service providers that includes timelines and provides for the participation by primary referral sources

SEC. 1477.(a)(1) Each handicapped infant and toddler and the infant or toddler's family shall receive a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs

Individualized Service Plan

SEC. 1472(2)(G) As used in this part 'Early intervention services' are developmental services which are provided in conformity with an individualized family service plan adopted in accordance with section 1477

SEC. 1476.(b)(4) The statewide system required by subsection (a) shall include, at a minimum for each handicapped infant and toddler in the State, an individualized family service plan in accordance with section 1477, including case management services in accordance with such service plan

SEC. 1477.(a) Each handicapped infant and toddler and the infant or toddler's family shall receive -

(1) a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs, and

(2) a written individualized family service plan developed by a multidisciplinary team, including the parent or guardian, as required by subsection (d)

(b) The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6 month-intervals (or more often where appropriate based on infant and toddler and family needs)

(c) The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parent's consent, early intervention services may commence prior to the completion of such assessment

(d) The individualized family service plan shall be in writing and contain -

(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psycho-social development, and self-help skills, based on acceptable objective criteria,

(2) a statement of the family's strengths and needs relating to enhancing the development of the family's handicapped infant or toddler,

(3) a statement of the major outcomes expected to be achieved for the infant and toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes are being made and whether modifications or revisions of the outcomes or services are necessary,

(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and the method of delivering services,

(5) the projected dates for initiation of services and the anticipated duration of such services,

(6) the name of the case manager from the profession most immediately relevant to the infant's and toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons, and

(7) the steps to be taken supporting the transition of the handicapped toddler to services provided under part B to the extent such services are considered appropriate

Case Management Services

SEC. 1472.(2)(E)(vii) As used in this part early intervention services are developmental services which include case management services

SEC. 1476.(b)(4) The statewide system required by subsection (a) shall include, at a minimum for each handicapped infant and toddler in the State, an individualized family service plan in accordance with section 1477, including case management services in accordance with such service plan

SEC. 1477.(d)(6) the name of the case manager from the profession most immediately relevant to the infant's or toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons

Parent Training

SEC. 1472.(2)(E)(i) As used in this part early intervention services are developmental services which include family training, counseling, and home visits

Procedural Safeguards

SEC. 1476.(b)(12) The statewide system required by subsection (a) shall include, at a minimum procedural safeguards with respect to programs under this part as required by section 1480

SEC. 1480. The procedural safeguards required to be included in a statewide system under section 1476(b)(12) shall provide, at a minimum, the following:

(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(2) The right to confidentiality of personally identifiable information.

(3) The opportunity for parents and a guardian to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

(4) Procedures to protect the rights of the handicapped infant and toddlers whenever the parents or guardian of the child are not known or unavailable or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State agency providing services) to act as a surrogate for the parents or guardian.

(5) Written prior notice to the parents or guardian of the handicapped infant or toddler whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services to the handicapped infant or toddler.

(6) Procedures designed to assure that the notice required by paragraph (5) fully informs the parents or guardian, in the parents or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

(7) During the pendency of any proceeding or action involving a complaint, unless the State agency and the parents or guardian otherwise agree, the child shall continue to receive the appropriate early intervention services currently being provided or if applying for initial services shall receive the services not in dispute.

Advisory Councils

SEC. 1482(a)(1) Any State which desires to receive financial assistance under section 1473 shall establish a State Interagency Coordinating Council composed of 15 members.

(2) The Council and the chairperson of the Council shall be appointed by the Governor. In making appointments to the Council, the Governor shall ensure that the membership of the Council reasonably represents the population of the State.

(b) The Council shall be composed of -

(1) at least 3 parents of handicapped infants or toddlers or handicapped children aged 3 through 6, inclusive,

(2) at least 3 public or private providers of early intervention services,

(3) at least one representative from the State legislature,

(4) at least one person involved in personnel preparation, and

(5) other members representing each of the appropriate agencies involved in the provision of or payment for early intervention services to handicapped infants and toddlers and their families and others selected by the Governor....

...(e) The Council shall -

(1) advise and assist the lead agency designated or established under section 1476(b)(9) in the performance of the responsibilities set out in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements,

(2) advise and assist the lead agency in the preparation of applications and amendments thereto, and

(3) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for handicapped infants and toddlers and their families operated within the State

In this federal program, there is no statutory language in the Digest for the following components: **Other Relevant Activities Involving Families.**

EDUCATION OF THE HANDICAPPED ACT, PART B
ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN
(20 U.S.C. 1411-1420)

The purpose of Part B of the Education of the Handicapped Act is to assist States in providing a free appropriate public education to all children with handicaps ages three through 21.

Those eligible for services under Part B of EHA include all children with handicaps ages three through 21 inclusive, requiring special education and related services. Children with handicaps ages three to five and 18 to 21, inclusive, are not required to receive services in States in which serving these children would be inconsistent with State law or practice or the order of any court, with respect to the provision of public education within these age groups in the State. However, separate allocations are provided to States under Section 1419 of Part B of EHA to encourage the provision of special education and related services to all children with handicaps ages 3 through 5. Individuals eligible for services under Section 1419 include children with handicaps aged three to five inclusive, in need of special education and related services. Beginning in Federal fiscal year 1991, after a phase-in period of 4 years - 1987 through 1990, States must establish eligibility for a Preschool Grant in order to receive: (1) a Preschool Grant under section 619 of the EHA; (2) Part B funds under section 611 of the EHA for children aged 3 through 5 years; (3) Chapter 1 Handicapped funds for children aged 3 through 5 years; and (4) certain discretionary funds under Parts C through G of the EHA.

Eligibility for a Preschool Grant must be established in the Part B State plan. A State must have an approved Part B State plan for Federal fiscal year 1991 which contains "policies and procedures that assure the availability under the State law and practice of such State of a free appropriate public education (FAPE) for all handicapped children aged three to five, inclusive." 20 U.S.C. 1419(b)(1)(B).

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 1412(2)(C) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State has developed a plan pursuant to section 1413(b) of this title in effect prior to November 29, 1975, and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services

SEC. 1412(5)(C) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State has established procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child

SEC. 1414(a)(1)(A) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411(d) of this title for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide satisfactory assurance that payments under this subchapter will be used for excess costs directly attributable to programs which provide that all children residing within the jurisdiction of the local educational agency or the intermediate educational unit who are handicapped, regardless of the severity of their handicap, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services

SEC. 1401.(a)(17) The term "related services" means transportation, and such developmental, corrective, and other supportive services (including medical services for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

Individualized Service Plan

SEC. 1414(a)(5) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411(d) for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide assurances that the local educational agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually

SEC. 1401.(a)(19) The term "individualized education program" means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and whenever appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved

Procedural Safeguards

SEC. 1415. Procedural safeguards

Establishment and maintenance

(a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this subchapter shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

Required procedures; hearing

(b)(1) The procedures required by this section shall include, but shall not be limited to-

(A) an opportunity for the parents or guardian of a handicapped child to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

(B) procedures to protect the rights of the child whenever the parents or guardian of the child are not known, available, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, local educational agency or intermediate educational unit involved in the education or care of the child) to act as surrogate for the parents or guardian;

(C) written prior notice to the parents or guardian of the child whenever such agency or unit-

(i) proposes to initiate or change, or

(ii) refuses to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

(D) procedures designed to assure that the notice required by clause (C) fully informs the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and

(E) an opportunity to present complaints with respect to any matter relating to identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.

(2) Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child.

Review of local decision by State educational agency

(c) If the hearing required in paragraph (2) of subsection (b) of this section is conducted by a local educational agency or an intermediate educational unit, any party aggrieved by the findings and decision rendered in such a hearing may appeal to the State educational agency which shall conduct an impartial review of such hearing. The officer conducting such review shall make an independent decision upon completion of such review.

Enumeration of rights accorded parties to hearing

(d) Any party to any hearing conducted pursuant to subsections (b) and (c) of this section shall be accorded (1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children, (2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses, (3) the right to a written or electronic verbatim record of such hearing, and (4) the right to written findings of fact and decisions (which findings and decisions shall also be transmitted to the advisory panel established pursuant to section 1413(a)(12) of this title).

Civil action; jurisdiction

(e)(1) A decision made in a hearing conducted pursuant to paragraph (2) of subsection (b) of this section shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (c) and paragraph (2) of this subsection. A decision made under subsection (c) of this section shall be final, except that any party may bring an action under paragraph (2) of this subsection.

(2) Any party aggrieved by the findings and decision made under subsection (b) of this section who does not have the right to an appeal under subsection (c) of this section, and any party aggrieved by the findings and decision under subsection (c) of this section, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(3) During the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in the public school program until all such proceedings have been completed.

(A) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy.

(B) In any action or proceeding brought under this subsection, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents or guardian of a handicapped child or youth who is the prevailing party.

(C) For the purpose of this subsection, fees awarded under this subsection shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

(D) No award of attorneys' fees and related costs may be made in any action or proceeding under this subsection for services performed subsequent to the time of a written offer of settlement to a parent or guardian if-

(i) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

(ii) the offer is not accepted within ten days; and

(iii) the court or administrative officer finds that the relief finally obtained by the parents or guardian is not more favorable to the parents or guardian than the offer of settlement.

(E) Notwithstanding the provisions of subparagraph (D), an award of attorneys' fees and related costs may be made to a parent or guardian who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(F) Whenever the court finds that-

(i) the parent or guardian, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, experience, and reputation; or

(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this subsection.

(G) The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 1415 of this Act.

(f) Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, Title V of the Rehabilitation Act of 1973, or other Federal statutes protecting the rights of handicapped children and youth, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (b)(2) and (c) shall be exhausted to the same extent as would be required had the action been brought under this part.

SEC. 1417(c) The Secretary shall take appropriate action, in accordance with the provisions of section 1232g of this title, to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to the provisions of this subchapter.

Advisory Councils

SEC. 1413(a)(12) Any State meeting the eligibility requirements set forth in section 1412 of this title and desiring to participate in the program under this subchapter shall submit to the Secretary, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this subchapter, and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under section 1418

Other Relevant Activities Involving Families

SEC. 1412(7) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children

SEC. 1414(a)(1)(C)(iii) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411 for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide satisfactory assurance that payments under this subchapter will be used for excess costs directly attributable to programs which establish a goal of providing full educational opportunities to all handicapped children, including the participation and consultation of the parents or guardian of such children

In this federal program, there is no statutory language in the Digest for the following components:

Case Management Services
Parent Training

EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 1421
REGIONAL RESOURCE AND FEDERAL CENTERS
(20 U.S.C. 1421)

Section 1421 of Part C of EHA provides discretionary funding to institutions of higher education, public agencies, private nonprofit organizations, State educational agencies, or combinations of such agencies for regional resource centers which provide consultation, technical assistance, and training to State educational agencies, local educational agencies and other appropriate State agencies providing early intervention services.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Parent Training

SEC. 1421.(a)(4) The Secretary may make grants to, or enter into contracts or cooperative agreements with, institutions of higher education, public agencies, private nonprofit organizations, State educational agencies, or combinations of such agencies or institutions (which combinations may include one or more local educational agencies) within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional resource centers. Each regional resource center shall provide consultation, technical assistance, and training to State educational agencies and through such State educational agencies to local educational agencies and to other appropriate State agencies providing early intervention services. The services provided by a regional resource center shall be consistent with the priority needs identified by the States served by the center and the findings of the Secretary in monitoring reports prepared by the Secretary under section 1417 of the Act. Each regional resource center established or operated under this section shall assist in the improvement of information dissemination to and training activities for professionals and parents of handicapped infants, toddlers, children, and youth

In this federal program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Individualized Service Plan
Case Management Services
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 1422
SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH
(20 U.S.C. 1422)

Section 1422 of Part C of EHA provides funding to public or nonprofit private agencies, institutions, or organizations to assist State education agencies in providing special education and related services (including vocational and transitional services) to deaf-blind children and youth from birth through age 21.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 1422.(a)(2) A grant, cooperative agreement, or contract pursuant to paragraph (1)(A) may be made only for programs providing (A) technical assistance to agencies, institutions, or organizations providing educational services to deaf-blind children or youth; (B) preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, deaf-blind children or youth; (C) replication of successful innovative approaches to providing educational or related services to deaf-blind children and youth; and (D) facilitation of parental involvement in the education of their deaf-blind children and youth. Such programs may include - (i) the diagnosis and educational evaluation of children and youth at risk of being certified deaf-blind

Parent Training

SEC. 1422.(a)(2) A grant, cooperative agreement, or contract pursuant to paragraph (1)(A) may be made only for programs providing (A) technical assistance to agencies, institutions, or organizations providing educational services to deaf-blind children or youth; (B) preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, deaf-blind children or youth; (C) replication of successful innovative approaches to providing educational or related services to deaf-blind children and youth; and (D) facilitation of parental involvement in the education of their deaf-blind children and youth. Such programs may include - ...(iii) consultative, counseling, and training services for the families of deaf-blind children and youth

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Case Management Services
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

EDUCATION OF THE HANDICAPPED ACT, PART C, SECTION 1423
EARLY EDUCATION FOR HANDICAPPED CHILDREN
(20 U.S.C. 1423)

This section of EHA provides grants for demonstration, experimental, outreach, research, training, and technical assistance projects which focus on preschool and early intervention services for children with handicaps.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Other Relevant Activities Involving Families

SEC. 1423.(a)(1) The Secretary may arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations, for the development and operation of experimental, demonstration, and outreach preschool and early intervention programs for handicapped children which the Secretary determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, speech, language development, and self-help skills of such children, (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children

In this program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Individualized Service Plan
Case Management Services
Parent Training
Procedural Safeguards
Advisory Councils

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART D, PROGRAMS OPERATED BY STATE AGENCIES
SUBPART 2, PROGRAMS FOR HANDICAPPED CHILDREN
(20 U.S.C. 2791-2796)

This program (formerly known as the 89-313 program) provides grants to States to supplement the provision of special education and related services to children with handicaps age 3 through 21 and early intervention for infant and toddlers with handicaps from birth through age two who are enrolled in State-operated or supported facilities and programs. Projects operated under this program must be administered in a manner consistent with part B of the Education of the Handicapped Act and part H of EHA, as determined by the Secretary to be appropriate.

Those eligible for services under this part of the Chapter 1 program include children with handicaps from birth to 21 inclusive for whom the State is directly responsible for providing special education or early intervention services and who are participating in a State-operated or State-supported school or program for children with handicaps or who previously participated in such a program and are receiving special education or early intervention services from local educational agencies; and other children with handicaps, if children described above have been fully served.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2792.(a) Such programs and projects shall be administered in a manner consistent with this subpart, part B of the Education of the Handicapped Act, and, as determined by the Secretary to be appropriate, part H of the Education of the Handicapped Act.

SEC. 2794.(c)(1) Any such application shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The identification and evaluation procedures under Part B of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1401.(a)(17) The term "related services" means transportation, and such developmental, corrective, and other supportive services (including medical services for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

SEC. 1412(2)(C) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State has developed a plan pursuant to section 1413(b) of this title in effect prior to November 29, 1975, and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services

SEC. 1412(5)(C) In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met: The State has established procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child

SEC. 1414(a)(1)(A) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411(d) of this title for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide satisfactory assurance that payments under this subchapter will be used for excess costs directly attributable to programs which provide that all children residing within the jurisdiction of the local educational agency or the intermediate educational unit who are handicapped, regardless of the severity of their handicap, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services

The identification and evaluation procedures under Part H of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1472.(2)(E)(ix) As used in this part 'early intervention services' are developmental services which include early identification, screening, and assessment services

SEC. 1472.(2)(E)(viii) As used in this part 'early intervention services' are developmental services which include medical services only for diagnostic or evaluation purposes.

SEC. 1476.(b)(3) The statewide system required by subsection (a) shall include, at a minimum a timely, comprehensive, multidisciplinary evaluation of the functioning of each handicapped infant and toddler in the State and the needs of the families to appropriately assist in the development of the handicapped infant or toddler

SEC. 1476.(b)(5) The statewide system required by subsection (a) shall include, at a minimum a comprehensive child find system, consistent with part B [of EHA], including a system for making referrals to service providers that includes timelines and provides for the participation by primary referral sources

SEC. 1477.(a)(1) Each handicapped infant and toddler and the infant or toddler's family shall receive a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs

Individualized Service Plan

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2794.(c)(1) Any such application shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The requirements for an individualized service plan as required under Part B of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1414(a)(5) A local educational agency or an intermediate educational unit which desires to receive payments under section 1411(d) for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall provide assurances that the local educational agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually

SEC. 1401.(a)(19) The term "individualized education program" means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and whenever appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved

The requirements for an individualized service plan as required under Part H of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1472(2)(G) As used in this part 'Early intervention services' are developmental services which are provided in conformity with an individualized family service plan adopted in accordance with section 1477

SEC. 1476.(b)(4) The statewide system required by subsection (a) shall include, at a minimum for each handicapped infant and toddler in the State, an individualized family service plan in accordance with section 1477, including case management services in accordance with such service plan

SEC. 1477.(a) Each handicapped infant and toddler and the infant or toddler's family shall receive -

(1) a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs, and

(2) a written individualized family service plan developed by a multidisciplinary team, including the parent or guardian, as required by subsection (d)

(b) The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6 month-intervals (or more often where appropriate based on infant and toddler and family needs)

(c) The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parent's consent, early intervention services may commence prior to the completion of such assessment

(d) The individualized family service plan shall be in writing and contain -

(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psycho-social development, and self-help skills, based on acceptable objective criteria,

(2) a statement of the family's strengths and needs relating to enhancing the development of the family's handicapped infant or toddler,

(3) a statement of the major outcomes expected to be achieved for the infant and toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes are being made and whether modifications or revisions of the outcomes or services are necessary,

(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and the method of delivering services,

(5) the projected dates for initiation of services and the anticipated duration of such services,

(6) the name of the case manager from the profession most immediately relevant to the infant's and toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons, and

(7) the steps to be taken supporting the transition of the handicapped toddler to services provided under part B to the extent such services are considered appropriate

Case Management Services

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2794.(c)(1) Any such application [by a state agency or by a local educational agency for a subgrant] shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The provisions for case management services under Part H of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1472.(2)(E)(vii) As used in this part early intervention services are developmental services which include case management services

SEC. 1476.(b)(4) The statewide system required by subsection (a) shall include, at a minimum for each handicapped infant and toddler in the State, an individualized family service plan in accordance with section 1477, including case management services in accordance with such service plan

SEC. 1477.(d)(6) the name of the case manager from the profession most immediately relevant to the infant's or toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons

Parent Training

SEC. 2793.(a)(7) Programs and projects authorized under this subpart may include, but are not limited to training of parents of handicapped children

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2794.(c)(1) Any such application [by a state agency or by a local educational agency for a subgrant] shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The provisions for parent training under Part H of the Education of the Handicapped Act are incorporated here by reference. The relevant section follow:

SEC. 1472.(2)(E)(i) As used in this part 'early intervention services' are developmental services which include family training, counseling, and home visits.

Procedural Safeguards

SEC. 2791.(b)(1) In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act.

SEC. 2794.(c)(1) Any such application shall provide assurances that all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Education of the Handicapped Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act

The procedural safeguards under Part B of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1415. Procedural safeguards

Establishment and maintenance

(a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this subchapter shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

Required procedures; hearing

(b)(1) The procedures required by this section shall include, but shall not be limited to-

(A) an opportunity for the parents or guardian of a handicapped child to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

(B) procedures to protect the rights of the child whenever the parents or guardian of the child are not known, available, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, local educational agency or intermediate educational unit involved in the education or care of the child) to act as surrogate for the parents or guardian;

(C) written prior notice to the parents or guardian of the child whenever such agency or unit-

(i) proposes to initiate or change, or

(ii) refuses to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

(D) procedures designed to assure that the notice required by clause (C) fully informs the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and

(E) an opportunity to present complaints with respect to any matter relating to identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.

(2) Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this

paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child.

Review of local decision by State educational agency

(c) If the hearing required in paragraph (2) of subsection (b) of this section is conducted by a local educational agency or an intermediate educational unit, any party aggrieved by the findings and decision rendered in such a hearing may appeal to the State educational agency which shall conduct an impartial review of such hearing. The officer conducting such review shall make an independent decision upon completion of such review.

Enumeration of rights accorded parties to hearing

(d) Any party to any hearing conducted pursuant to subsections (b) and (c) of this section shall be accorded (1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children, (2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses, (3) the right to a written or electronic verbatim record of such hearing, and (4) the right to written findings of fact and decisions (which findings and decisions shall also be transmitted to the advisory panel established pursuant to section 1413(a)(12) of this title).

Civil action; jurisdiction

(e)(1) A decision made in a hearing conducted pursuant to paragraph (2) of subsection (b) of this section shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (c) and paragraph (2) of this subsection. A decision made under subsection (c) of this section shall be final, except that any party may bring an action under paragraph (2) of this subsection.

(2) Any party aggrieved by the findings and decision made under subsection (b) of this section who does not have the right to an appeal under subsection (c) of this section, and any party aggrieved by the findings and decision under subsection (c) of this section, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(3) During the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or

guardian, be placed in the public school program until all such proceedings have been completed.

(A) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy.

(B) In any action or proceeding brought under this subsection, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents or guardian of a handicapped child or youth who is the prevailing party.

(C) For the purpose of this subsection, fees awarded under this subsection shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

(D) No award of attorneys' fees and related costs may be made in any action or proceeding under this subsection for services performed subsequent to the time of a written offer of settlement to a parent or guardian if-

(i) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

(ii) the offer is not accepted within ten days; and

(iii) the court or administrative officer finds that the relief finally obtained by the parents or guardian is not more favorable to the parents or guardian than the offer of settlement.

(E) Notwithstanding the provisions of subparagraph (D), an award of attorneys' fees and related costs may be made to a parent or guardian who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(F) Whenever the court finds that-

(i) the parent or guardian, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, experience, and reputation; or

(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this subsection.

(G) The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 1415 of this Act.

(f) Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, Title V of the Rehabilitation Act of 1973, or other Federal statutes protecting the rights of handicapped children and youth, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (b)(2) and (c) shall be exhausted to the same extent as would be required had the action been brought under this part.

SEC. 1417(c) The Secretary shall take appropriate action, in accordance with the provisions of section 1232g of this title, to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to the provisions of this subchapter.

The procedural safeguards under Part H of the Education of the Handicapped Act are incorporated here by reference. The relevant sections follow:

SEC. 1476.(b)(12) The statewide system required by subsection (a) shall include, at a minimum procedural safeguards with respect to programs under this part as required by section 1480

SEC. 1480. The procedural safeguards required to be included in a statewide system under section 1476(b)(12) shall provide, at a minimum, the following:

(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(2) The right to confidentiality of personally identifiable information.

(3) The opportunity for parents and a guardian to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

(4) Procedures to protect the rights of the handicapped infant and toddlers whenever the parents or guardian of the child are not known or unavailable or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State agency providing services) to act as a surrogate for the parents or guardian.

(5) Written prior notice to the parents or guardian of the handicapped infant or toddler whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services to the handicapped infant or toddler.

(6) Procedures designed to assure that the notice required by paragraph (5) fully informs the parents or guardian, in the parents or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

(7) During the pendency of any proceeding or action involving a complaint, unless the State agency and the parents or guardian otherwise agree, the child shall continue to receive the appropriate early intervention services currently being provided or if applying for initial services shall receive the services not in dispute.

Other Relevant Activities Involving Families

SEC. 2793.(a)(10) Programs and projects authorized under this subpart may include, but are not limited to outreach activities to identify and involve handicapped children and their families more fully in a wide range of educational and recreational activities in their communities

SEC. 2794.(c)(6) Any such application shall provide assurances that the parents of children to be served with funds under this subpart are provided an opportunity to participate in the development of its project application

In this federal program, there is no statutory language in the Digest for the following components:

Advisory Councils

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN
PART B, EVEN START PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES
(20 U.S.C. 2741-2749)

Even Start programs are intended to improve educational opportunities of both children and adults by providing family-centered education programs involving parents and children in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

Eligible participants for Even Start programs include parents who are eligible for participation in an adult basic education program under the Adult Education Act and children aged 1 to 7 inclusive, of eligible parents, provided such children reside in a school attendance area designated for participation in Part A of the Chapter 1 program (basic programs operated by local education agencies).

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 2744.(b) Each program assisted under this part shall include -

(1) the identification and recruitment of eligible children;

(2) screening and preparation of parents and children for participation, including testing, referral to necessary counseling, and related services

Parent Training

SEC. 2744.(b)(4) Each program assisted under this part shall include the establishment of instructional programs that promote adult literacy, training parents to support the educational growth of their children, and preparation of children for success in regular school programs

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Case Management Services
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

CHAPTER 1, FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN PART A, BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

(20 U.S.C. 2711-2731)

Part A of the Chapter 1 program provides funds to assist local school districts in meeting the special educational needs of educationally-deprived children in low income areas. Children eligible for services under this program include educationally deprived children (as defined by each local education agency) up to age 21 who are entitled to a free public education through grade 12 and children below school age who can benefit from an organized instructional program who attend schools with high concentrations of children from low-income families. Children receiving services to overcome a handicapping condition or limited English proficiency are also eligible for services if they have needs stemming from educational deprivation and not related solely to the handicapping condition or limited English proficiency.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 2724.(b)(3) A local educational agency may receive funds under this part only if it makes an assessment of educational needs each year to select those educationally deprived children who have the greatest need for special assistance, as identified on the basis of educationally related objective criteria established by the local educational agency, which include written or oral testing instruments, that are uniformly applied to particular grade levels throughout the local educational agency

Parent Training

SEC. 2725.(b)(4) A school may be designated for a schoolwide project under subsection (a) if appropriate training is provided to parents of children to be served, teachers, librarians, and other instructional, administrative, and pupil services personnel to enable them effectively to carry out the plan

SEC. 2725.(d)(2) In addition to uses under section 2721, funds may be used in schoolwide projects for other activities to improve the instructional program and pupil services in the school, such as reducing class size, training staff and parents of children to be served, and implementing extended schoolday programs.

SEC. 2726.(a)(3) For purposes of this section, parental involvement includes, but is not limited to, parent input into design and implementation of programs under this chapter, volunteer or paid participation by parents in school activities, and programs, training, and materials which build parents' capacity to improve their children's learning in the home and in school.

SEC. 2726.(b) In carrying out the requirements of subsection (a), a local educational agency shall, in coordination with parents of participating children, develop programs, activities, and procedures which have the following goals -

(1) to inform parents of participating children of the program under this chapter, the reasons for their children's participation in such programs, and the specific instructional objectives and methods of the program;

(2) to support the efforts of parents, including training parents, to the maximum extent practicable, to work with their children in the home to attain the instructional objectives of programs under this chapter and to understand the program requirements of this chapter and to train parents and teachers to build a partnership between home and school;

SEC. 2726.(c)(5) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers: parent training programs and reasonable and necessary expenditures associated with the attendance of parents at training sessions; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

Advisory Councils

SEC. 2726.(c)(5) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers: parent training programs and reasonable and necessary expenditures associated with the attendance of parents at training sessions; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

Other Relevant Activities Involving Families

SEC. 2722.(b) A local educational agency may receive a grant under this chapter for any fiscal year if it has on file with the State educational agency an application which describes the procedure to be used under section 2724(b) to assess students' needs and establish program goals, describes the programs and projects to be conducted with such assistance for a period of not more than 3 years, and describes the desired outcomes for eligible children, in terms of basic and more advanced skills that all children are expected to master, which will be used as the basis for such application has been approved by the State educational agency and developed in consultation with teachers and parents.

SEC. 2725.(b)(2) A school may be designated for a schoolwide project under subsection (a) if the plan has been developed with the involvement of those individuals who will be engaged in carrying out the plan, including parents, teachers, librarians, education aides, pupil services personnel, and administrators (and secondary students if the plan relates to a secondary school)

SEC. 2726. PARENTAL INVOLVEMENT.

(a) FINDINGS; GENERAL REQUIREMENT.-

(1) Congress finds that activities by schools to increase parental involvement are a vital part of programs under this chapter.

(2) Toward that end, a local educational agency may receive funds under this chapter only if it implements programs, activities, and procedures for the involvement of parents in programs assisted under this chapter. Such activities and procedures shall be planned and implemented with meaningful consultation with parents of participating children and must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the goals under subsection (b).

(3) For purposes of this section, parental involvement includes, but is not limited to, parent input into design and implementation of programs under this chapter, volunteer or paid participation by parents in school activities, and programs, training, and materials which build parents' capacity to improve their children's learning in the home and in school.

(b) GOALS OF PARENTAL INVOLVEMENT. - In carrying out the requirements of subsection (a), a local educational agency shall, in coordination with parents of participating children, develop programs, activities, and procedures which have the following goals -

(1) to inform parents of participating children of the program under this chapter, the reasons for their children's participation in such programs, and the specific instructional objectives and methods of the program;

(2) to support the efforts of parents, including training parents, to the maximum extent practicable, to work with their children in the home to attain the instructional objectives of programs under this chapter and to understand the program requirements of this chapter and to train parents and teachers to build a partnership between home and school;

(3) to train teachers and other staff involved in programs under this chapter to work effectively with the parents of participating students;

(4) to consult with parents, on an ongoing basis, concerning the manner in which the school and parents can better work together to achieve the program's objectives and to give parents a feeling of partnership in the education of their children;

(5) to provide a comprehensive range of opportunities for parents to become informed, in a timely way, about how the program will be designed, operated, and evaluated, allowing opportunities for parental participation, so that parents and educators can work together to achieve the program's objectives; and

(6) to ensure opportunities, to the extent practicable, for the full participation of parents who lack literacy skills or whose native language is not English.

(c) MECHANISMS FOR PARENTAL INVOLVEMENT.-

(1) Each local educational agency, after consultation with and review by parents, shall develop written policies to ensure that parents are involved in the planning, design, and implementation of programs and shall provide such reasonable support for parental involvement activities as parents may request. Such policies shall be made available to parents of participating children.

(2) Each local educational agency shall convene an annual meeting to which all parents of participating children shall be invited, to explain to parents the programs and activities provided with funds under this chapter. Such meetings may be

districtwide or at the building level, as long as all such parents are given an opportunity to participate.

(3) Each local educational agency shall provide parents of participating children with reports on the children's progress, and, to the extent practical, hold a parent-teacher conference with the parents of each child served in the program, to discuss that child's progress, placement, and methods by which parents can complement the child's instruction. Educational personnel under this chapter shall be readily accessible to parents and shall permit parents to observe activities under this chapter.

(4) Each local educational agency shall (A) provide opportunities for regular meetings of parents to formulate parental input into the program, if parents of participating children so desire; (b) provide parents of participating children with timely information about the program; and (C) make parents aware of parental involvement requirements and other relevant provisions of programs under this chapter.

(5) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers: parent training programs and reasonable and necessary expenditures associated with the attendance of parents at training sessions; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

(6) Parents of participating children are expected to cooperate with the local educational agency by becoming knowledgeable of the program goals and activities and by working to reinforce their children's training at home.

SEC. 2726.(e) Information, programs, and activities for parents pursuant to this section shall be provided, to the extent practicable, in a language and form which the parents understand.

SEC. 2731.(a)(4) Each local educational agency shall annually assess through consultation with parents, the effectiveness of the parental involvement program and determine what action needs to be taken, if any, to increase parental participation.

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Case Management Services
Procedural Safeguards

BILINGUAL EDUCATION ACT, PART A
FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS
(20 U.S.C. 3281-3292)

Part A of the Bilingual Education Act provides grants to assist local education agencies establish, operate and improve bilingual education programs designed to meet the educational needs of individuals of limited English proficiency.
Funds are available for six types of programs referred to as: (a)(1) programs of transitional bilingual education; (a)(2) programs of developmental bilingual education; (a)(3) special alternative instructional programs for students of limited English proficiency; (a)(4) programs of academic excellence; (a)(5) family English literacy programs; and (a)(6) bilingual preschool, special education, and gifted and talented programs preparatory or supplementary to programs such as those assisted under the Bilingual Education Act.

Individuals eligible for services under this program include children in elementary and secondary schools who have sufficient difficulty speaking, reading, writing or understanding the English language such that they would be denied the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in society. For some programs funded under this part, limited English proficient adults and out-of-school youth are also eligible for services.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 3291.(d)(D)(3)(A) No student may be enrolled in a bilingual program for which a grant is made under subsection (a)(1) or (a)(3) of this section for a period of more than 3 years, except where the school in which the student is enrolled-

(i) conducts a comprehensive evaluation of the overall academic progress of the student, and

(ii) the results of the evaluation indicate that lack of English proficiency is impeding the academic progress of the student in meeting grade promotion and graduation standards and, in the case of a handicapped child attainment of the objective in the child's individualized education program.

Any student with respect to whom the requirements of this paragraph are met, may remain in the program for a fourth year, except as provided in division (ii) of subparagraph (B).

(B)(i) The evaluation required by paragraph (A) shall involve teachers and school personnel familiar with the students' overall academic progress. The results of such an evaluation shall be made available to the parents of the student.

(ii) An evaluation shall be carried out at the end of the fourth year the student is in the program described in subparagraph (A) if the student is to continue in the program for a fifth year and shall be conducted in accordance with division (i) of this subparagraph.

(iii) Each evaluation shall indicate how the students' English language development will be addressed during the period a student is retained in the program. The students' academic program during that period shall emphasize mastery of English.

SEC. 3291.(f)(4) An application for a grant under subsection (a)(1), (a)(2), and (a)(3) of this section may be approved only if the Secretary determines that student evaluation and assessment procedures in the program are appropriate for limited English proficiency students, and that limited English proficient students who are handicapped are identified and served in accordance with the requirements of the Education of the Handicapped Act

Parent Training

SEC. 3291.(c)(2)(I) Applications for grants authorized under subsection (a)(1), (a)(2), and (a)(3) of this section shall contain information regarding the activities which would be undertaken under the grant, including training of educational personnel and parents, and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available

Procedural Safeguards

SEC. 3283.(c) Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form the parents understand.

SEC. 3291.(d)(1)(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) the alternative educational programs that are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form the parents understand.

Advisory Councils

SEC. 3291.(e) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall -

(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

(2) be accompanied by documentation of such consultation and by the comments which the council makes on the application;

(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served;

(4) ensure applicant support for additional advisory council activities, if support is requested by the advisory council

Other Relevant Activities Involving Families

SEC. 3291.(a)(5) Funds available for grants under this part shall be used for the establishment, operation, and improvement of family English literacy programs.

SEC. 3283.(a)(7) The term 'family English literacy program' means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title. Such programs of instruction may include instruction designed to enable aliens who are otherwise eligible for temporary resident status under section 245a of the Immigration and Nationality Act to achieve a minimal understanding of ordinary English and a knowledge and understanding of history and government of the United States as required by section 312 of such Act.

SEC. 3291.(d)(1)(B) During the first 12 months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant may engage exclusively in preservice activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children.

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Case Management Services

BILINGUAL EDUCATION ACT, PART C
TRAINING AND TECHNICAL ASSISTANCE
(20 U.S.C. 3321-3325)

Funds available under Part C of the Bilingual Education Act are available for the establishment, operation and improvement of training programs for personnel and parents participating in education programs for limited English proficient students.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Parent Training

SEC. 3321.(a)(5) Funds available under this part shall be used in the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

In this federal program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Individualized Service Plan
Case Management Services
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

COMPREHENSIVE CHILD DEVELOPMENT ACT
(42 U.S.C. 9881-9887)

The Comprehensive Child Development Program supports projects which provide intensive, comprehensive, integrated and continuous supportive services for infants, and young children from low-income families to enhance their intellectual, social, emotional and physical development and offer support to their parents and other family members. Services are to be targeted on infants and young children from families who have incomes below the poverty line and who, because of environmental, health, or other factors, need intensive and comprehensive supportive services to enhance their development. The program also provides one year planning grants to eligible agencies. Those eligible for services under the Comprehensive Child Development Act include low-income children from birth to compulsory school age and their families.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 9886.(4) As used in this subchapter the term 'intensive and comprehensive supportive services' means -

(A) in the case of infants and young children, services designed to enhance the physical, social, emotional, and intellectual development of such infants and children and such term includes infant and child health services (including screening and referral), child care that meets State licensing requirements, early childhood development programs, early intervention services for children with or at risk of developmental delays, and nutritional services

SEC. 9886.(1) the term 'early intervention services' has the same meaning given that term by section 672(2) of the Education of the Handicapped Act (20 U.S.C. 1472(2))

Section 1472(2) of the Education of the Handicapped Act is incorporated here by reference. The relevant section follows:

SEC. 1472.(2)(E)(ix) As used in this part 'Early intervention services' are developmental services which include early identification, screening, and assessment services

Individualized Service Plan

SEC. 9886.(1) the term 'early intervention services' has the same meaning given that term by section 672(2) of the Education of the Handicapped Act (20 U.S.C. 1472(2))

Section 1472(2) of the Education of the Handicapped Act is incorporated here by reference. The relevant section follows:

SEC. 1472(2)(G) As used in this part 'Early intervention services' are developmental services which are provided in conformity with an individualized family service plan adopted in accordance with section 1477.

Section 1477 of the Education of the Handicapped Act is incorporated here by reference, as follows:

SEC. 1477.(a) Each handicapped infant and toddler and the infant or toddler's family shall receive -

(1) a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs, and

(2) a written individualized family service plan developed by a multidisciplinary team, including the parent or guardian, as required by subsection (d).

(b) The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6 month-intervals (or more often where appropriate based on infant and toddler and family needs).

(c) The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parent's consent, early intervention services may commence prior to the completion of such assessment.

(d) The individualized family service plan shall be in writing and contain -

(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psycho-social development, and self-help skills, based on acceptable objective criteria,

(2) a statement of the family's strengths and needs relating to enhancing the development of the family's handicapped infant or toddler,

(3) a statement of the major outcomes expected to be achieved for the infant and toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes are being made and whether modifications or revisions of the outcomes or services are necessary,

(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and the method of delivering services,

(5) the projected dates for initiation of services and the anticipated duration of such services,

(6) the name of the case manager from the profession most immediately relevant to the infant's and toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons, and

(7) the steps to be taken supporting the transition of the handicapped toddler to services provided under part B [of EHA] to the extent such services are considered appropriate.

Case Management Services

SEC. 9886.(1) the term 'early intervention services' has the same meaning given that term by section 672(2) of the Education of the Handicapped Act (20 U.S.C. 1472(2))

Section 1472(2) of the Education of the Handicapped Act is incorporated here by reference. The relevant section follows:

SEC. 1472(2)(E)(vii) As used in this part 'Early intervention services' are developmental services which include case management services

SEC. 1472(2)(G) are provided in conformity with an individualized family service plan adopted in accordance with section 1477.

SEC. 1477.(d)(6) the name of the case manager from the profession most immediately relevant to the infant's or toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons

Parent Training

SEC. 9886.(1) the term 'early intervention services' has the same meaning given that term by section 672(2) of the Education of the Handicapped Act (20 U.S.C. 1472(2))

Section 1472(2) of the Education of the Handicapped Act is incorporated here by reference. The relevant section follows:

SEC. 1472(2)(E)(i) As used in this part 'Early intervention services' are developmental services which include family training, counseling, and home visits

SEC. 9886.(4)(B) As used in this subchapter the term 'intensive and comprehensive supportive services' means in the case of parents and other family members, services designed to better enable parents and other family members to contribute to their child's healthy development and such term includes prenatal care; education in infant and child development, health, nutrition, and parenting; referral to education, employment counseling and training as appropriate; and assistance in securing adequate income support, health care, nutritional assistance, and housing

In this federal program, there is no statutory language in the Digest for the following components:

Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

HEAD START ACT
(42 U.S.C. 9831-9852)

The Head Start program provides comprehensive health, education, nutrition, social and other services to economically disadvantaged preschool children and their families to assist the children cope with school and attain greater social competence and to enhance parent-child interaction. Eligibility for Head Start programs is generally limited to children between three years of age and the age of compulsory school attendance who are from low-income families. However, to a reasonable extent, children in the area served who would benefit from the program but whose families do not meet the low-income criteria can also participate. In addition, at least 10% of the total number of enrollment opportunities in each State must be made available to children with handicaps.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Other Relevant Activities Involving Families

SEC. 9833.(a) The Secretary may, upon application by an agency which is eligible for designation as a Head Start agency pursuant to section 9836 of this title, provide financial assistance to such agency for the planning, conduct, administration, and evaluation of a Head Start program focused primarily upon children from low-income families who have not reached the age of compulsory school attendance which (1) will provide such comprehensive health, nutritional, educational, social, and other services as will aid the children to attain their full potential; and (2) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level

SEC. 9836.(f) The Secretary shall require that the practice of significantly involving parents and area residents affected by the program in selection of Head Start agencies be continued

SEC. 9837.(b) In order to be so designated, a Head Start agency must also (1) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests; (2) provide for their regular participation in the implementation of such programs; (3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

In this program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Individualized Service Plan
Case Management Services
Parent Training
Procedural Safeguards
Advisory Councils

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT, PART B
FEDERAL ASSISTANCE FOR PLANNING PRIORITY AREA ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES
(42 U.S.C. 6021-6030)

Part B of the Developmental Disabilities Assistance and Bill of Rights Act provides grants to States to support advocacy for the development of a comprehensive system and a coordinated array of services and other assistance for persons with developmental disabilities. While funds can be used for demonstration projects, the primary intent of this program is for advocacy, coordination, and planning, not to support direct services to individuals.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 6001.(15) The term "child development activities" means such priority area activities as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services.

SEC. 6001.(23) The term "early intervention services" means services provided to infants, toddlers, young children, and the families of such to --
(A) identify, assess, and treat developmental disabilities at the earliest possible time to prevent more serious disability;
(B) ensure the maximum growth and development of a person within the above classes who has a developmental disability; and
(C) assist families in raising a child with a developmental disability

Individualized Service Plan

SEC. 6022.(b)(6)(B) In order to be approved by the Secretary under this section, a State plan must meet the following requirements: The plan must provide that services are provided in an individualized manner consistent with the requirements of section 6023 (relating to habilitation plans).

SEC. 6023.(a) The Secretary shall require as a condition to a State's receiving an allotment under this part that the State provide the Secretary satisfactory assurances that each program (including programs of any agency, facility, or project) which receives funds from the State's allotment under this part (1) has in effect for each developmentally disabled person who receives services from or under the program a habilitation plan meeting the requirements of subsection (b), and (2) provides for an annual review, in accordance with subsection (c), of each such plan.

(b) A habilitation plan for a person with developmental disabilities shall meet the following requirements:

(1) The plan shall be in writing.

(2) The plan shall be developed jointly by (A) the person for whom the plan is established, (B) where appropriate, such person's parent or guardian or other representative, and (C) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established.

(3) The plan shall contain a statement of the long-term habilitation goals for the person and the intermediate habilitation objectives relating to the attainments of such goals. Such goals should include the increase or support of independence, productivity, and integration into the community for the person. Such objectives shall be stated specifically and in sequence and shall be expressed in behavioral and other terms that provide measurable indices of progress. The plan shall (A) describe how the objectives will be achieved and the barriers that might interfere with the achievement of them, (B) state an objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (C) provide for a case manager who will be responsible for coordinating the implementation of the plan.

(4) The plan shall contain a statement (in readily understandable form) of specific habilitation services to be provided, shall identify each agency which will deliver such services, shall describe the personnel (and their qualifications) necessary for the provision of such services, and shall specify the date of the initiation of each service to be provided and the anticipated duration of each such service.

(5) The plan shall specify the role and objectives of all parties to the implementation of the plan.

(c) Each habilitation plan shall be reviewed at least annually by the agency primarily responsible for the delivery of services to the person for whom the plan was established or responsible for the coordination of the delivery of services to such person. In the course of the review, such person and the person's parents or guardian or other representative shall be given an opportunity to review such plan and to participate in its revision.

Case Management Services

SEC. 6023.(b)(3)(C) A habilitation plan for a person with developmental disabilities shall meet the following requirements: provide for a case manager who will be responsible for coordinating the implementation of the plan.

SEC. 6001.(16) The term "case management activities" means priority area activities to establish a potentially life-long, goal-oriented process for coordinating the range of assistance needed by persons with developmental disabilities and their families, which is designed to ensure accessibility, continuity of supports and services, and accountability and to ensure that the maximum potential of persons with developmental disabilities for independence, productivity, and integration into the community is attained.

Parent Training

SEC. 6001.(9)(E) The term "priority area activities" includes, with respect to Federal priority areas or a State priority area the training of persons with developmental disabilities, family members of such persons, and personnel, including professionals, paraprofessionals, students, and volunteers, to obtain access to, or to provide, services and other assistance in the area, including specialized services or special adaptations of generic services for persons with developmental disabilities and the families of such persons

Advisory Councils

SEC. 6024.(a) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for all persons with developmental disabilities.

(b)(1) The members of the State Planning Council of a State shall be appointed by the Governor of the State from among the residents of that State.

(2) The Governor of each State shall make appropriate provisions for the rotation of membership on the State Planning Council...

...(4) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for all persons with developmental disabilities. At least one-half of the membership of each State Planning Council shall consist of persons who --

(A) are persons with developmental disabilities;
(B) are parents or guardians of such persons; or

161

(C) are immediate relatives or guardians or persons with mentally impairing developmental disabilities.....

(5) Of the members of the State Planning Council described in paragraph (4) --

(A) at least one-third shall be persons with developmental disabilities,

(B)(i) at least one-third shall be individuals described in subparagraph (C) of paragraph (4), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability...

...(d) Each State planning Council shall --

(1) develop jointly with the State agency designated under section 122(b)(1)(B) the State plan required by this part including the specifications of Federal and State priority area activities under section 122(b)(5)(D)(i);

(2) monitor, review, and evaluate, not less often than annually, the implementation of such State plan;

(3) to the maximum extent feasible, review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities; and

(4) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

In this federal program, there is no statutory language in the Digest for the following components:

Procedural Safeguards
Other Relevant Activities Involving Families

DEVELOPMENTAL DISABILITIES ASSISTANCE AND THE BILL OF RIGHTS ACT, PART C PROTECTIONS AND ADVOCACY OF INDIVIDUAL RIGHTS
(42 U.S.C. 6041-6043)

This program provides allotments to support a system in each State to protect the legal and human rights of persons with developmental disabilities.

Procedural Safeguards

(a) In order for State to receive an allotment under subchapter II of this chapter--

(1) the State must have in effect a system to protect and advocate the rights of persons with developmental disabilities;

(2) such system must--

(A) have the authority to--

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such persons within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of minority groups; and

(B) have the authority to investigate incidents of abuse and neglect of persons with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(C) on an annual basis, provide the public with an opportunity to comment on priorities established by, and activities of, the system;

(D) establish a grievance procedure for clients or prospective clients of the system to assure that persons with developmental disabilities have full access to services of the system;

(E) not be administered by the State Planning Council;

(F) be independent of any agency which provides treatment services, or habilitation to persons with developmental disabilities; and

(G) have access to all records of--

(i) any person with developmental disabilities who is a client of the system if such person, or the legal guardian, conservator, or other legal representative of such person, has authorized the system to have such access; and

(ii) any person with developmental disabilities--

(I) who, by reason of the mental or physical condition of such person, is unable to authorize the system to have such access;

(II) who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the State; and

(III) with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe that such person has been subject to abuse or neglect

In this federal program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Individualized Plan
Case Management Services
Parent Training
Advisory Councils
Other Relevant Activities Involving Families

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT, PART D
UNIVERSITY AFFILIATED PROGRAMS
(42 U.S.C. 6061-6064)

This program provides discretionary grants to support University Affiliated Programs (UAPs) which provide interdisciplinary training for personnel serving persons with developmental disabilities, the demonstration of exemplary services and technical assistance, and the dissemination of information which will increase and support the independence, productivity, and integration in the community of persons with developmental disabilities.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Parent Training

SEC. 6001.(18) The term "university affiliated program" means a program operated by a public or nonprofit private entity which is associated with, or is an integral part of, a college or university and which provides for at least the following activities:

(A) Interdisciplinary training for personnel concerned with developmental disabilities, including parents of persons with developmental disabilities, professionals, paraprofessionals, students, and volunteers, which is conducted at a facility and through outreach activities.

SEC. 6062.(c) From amounts appropriated under section 6064(b), the Secretary may make grants to university affiliated programs receiving grants under subsection (a) to support one or more of the following activities;

(1) The provision of service-related training to persons with developmental disabilities, family members of such persons, professionals, volunteers, or other personnel to enable such persons, family members, professionals, volunteers, or personnel to provide services to increase or maintain the independence, productivity, and integration into the community of persons with developmental disabilities

(2) The conduct of an applied research program designed to produce more efficient and effective methods for (A) the delivery of services to persons with developmental disabilities, and (B) the training of professionals, paraprofessionals, and parents who provide such services

In this federal program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Individualized Service Plan
Case Management Services

Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

SOCIAL SECURITY ACT, TITLE IV-B
CHILD WELFARE SERVICES
(42 U.S.C. 620 - 628)

Title IV-B of the Social Security Act provides Federal funds to assist States establish, extend and strengthen child welfare services.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 622.(b)(6) Each plan for child welfare services under this part shall contain a description of the steps which the State will take to provide child welfare services and to make progress in --

(A) covering additional political subdivisions,
(B) reaching additional children in need of services, and
(C) expanding and strengthening the range of existing services and developing new types of services

Individualized Service Plan

SEC. 626.(b)(3) In the case of any project which includes the use of funds authorized under this subsection for the care of infants in foster homes or other non-medical residential settings away from their parents, there shall be developed for each such infant a case plan of the type described in section 675(1) of this title (to the extent that such infant is not otherwise covered by such a plan), and each such project shall include a case review system of the type described in section 675(5) of this title (covering each such infant who is not otherwise subject to such a system)

SEC. 627.(b) If, for each of any two consecutive fiscal years after the fiscal year 1979, there is appropriated under section 420 a sum equal to $266,000,000, each State's allotment amount for any fiscal year after such two consecutive fiscal years shall be reduced to an amount equal to its allotment amount for the fiscal year 1979, unless such State--

(3) has implemented a preplacement preventive service program designed to help children remain with their families.

Sections 675(1) and 675(5) of Title IV-E, Federal Payments for Foster Care and Adoption Assistance, are incorporated here by reference. The relevant sections follow:

SEC. 675(1) The term 'case plan' means a written document which includes at least the following: A description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to carry out the judicial determination made with respect to the child in accordance with section 672(a)(1); and a plan for assuring that the child receives proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.

SEC. 675.(5) The term 'case review system' means a procedure for assuring that -

(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship, and

SEC. 675.(6) The term 'administrative review' means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

Parent Training

SEC 626.(b)(2) The demonstration projects conducted under this section may include--

(A) multidisciplinary projects designed to prevent the inappropriate hospitalization of infants and to allow infants described in paragraph (1) to remain with or return to a parent in a residential setting, where appropriate care for the infant and suitable treatment for the parent (including treatment for drug or alcohol addiction) may be assured, with the goal (where possible) of rehabilitating the parent and eliminating the need for such care for the infant;

(B) multidisciplinary projects that assure appropriate, individualized care for such infants in a foster home or other non-medical residential setting in cases where such infant does not require hospitalization and would otherwise remain in inappropriate hospital settings, including project to demonstrate methods to recruit, train, and retain foster care families;

Procedural Safeguards

SEC. 675.(5) The term 'case review system' means a procedure for assuring that -

(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship, and

(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a dispositional hearing to be held, in family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances be continued in foster care on a permanent or long-term basis); and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

Other Relevant Activities Involving Families

SEC. 625.(a)(1) For purposes of this subchapter, the term "child welfare services" means public social services which are directed toward the accomplishment of the following purposes: (A) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (B) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (D) restoring to their families children who have been removed, by the provision of services to the child and the families; (E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (F) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

In this federal program, there is no statutory language in the Digest for the following components:

Case Management Services
Advisory Councils

SOCIAL SECURITY ACT, TITLE IV-E
FOSTER CARE AND ADOPTION ASSISTANCE
(42 U.S.C. 670-676)

Title IV-E of the Social Security Act provides assistance to States in meeting adoption subsidy costs for children with special needs, including children with handicapping conditions.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Individualized Service Plan

SEC. 671.(a)(16) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which provides for the development of a case plan (as defined in section 675(1)) for each child receiving foster care maintenance payments under the State plan and provides for a case review system which meets the requirements described in section 675(5)(B) with respect to each such child

SEC. 675(1) The term 'case plan' means a written document which includes at least the following: A description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to carry out the voluntary placement agreement entered into or the judicial determination made with respect to the child in accordance with section 672(a)(1); and a plan for assuring that the child receives proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan

SEC. 675.(3) The term 'adoption assistance agreement' means a written agreement, binding on the parties to the agreement, between the State agency, other relevant agencies, and the prospective adoptive parents of a minor child which at a minimum (A) specifies the amounts of the adoption assistance payments and any additional services and assistance which are to be provided as part of such agreement, and (B) stipulates that the agreement shall remain in effect regardless of the State of which the adoptive parents are residents at any given time. The agreement shall contain provisions for the protection (under an interstate compact approved by the Secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another State while the agreement is effective.

SEC. 675.(5) The term 'case review system' means a procedure for assuring that -

(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship

SEC. 675.(6) The term 'administrative review' means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

Procedural Safeguards

SEC. 671.(a)(8) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan, or program of the State under part A,B,C, or D of this title or under Title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by Title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or Federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need, and (D) any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an agency referred to in clause (D) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient; except that nothing contained herein shall preclude a State from providing standards which restrict disclosures to purposes more limited than those specified herein, or which, in the case of adoptions, prevent disclosure entirely

SEC. 671.(a)(12) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which provides for granting an opportunity for a fair hearing before the State agency to any individual whose claim form benefits available pursuant to this part is denied or is not acted upon with reasonable promptness

SEC. 675.(5) The term 'case review system' means a procedure for assuring that -

(A) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

(B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review (as defined in paragraph (6)) in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship, and

(C) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a dispositional hearing to be held, in family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances_ be continued in foster care on a permanent or long-term basis); and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

In this federal program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Case Management Services
Parent Training
Advisory Councils
Other Relevant Activities Involving Families

SOCIAL SECURITY ACT, TITLE V MATERNAL AND CHILD HEALTH BLOCK GRANT
(42 U.S.C. 701-709)

Title V of the Social Security Act provides block grants to states to plan, promote, furnish, coordinate and evaluate health services for mothers and children including children with special health care needs and their families. Historically, two programs were funded under the Title V, the Maternal and Child Health Program and the Program for Children with Special Health Needs (formerly known as Crippled Children's Services Programs). States have discretion in defining individuals eligible for services under this program.

The State Maternal and Child Health Programs have as their purpose providing and assuring mothers and children access to quality maternal and child health services and to reduce infant mortality and the incidence of preventable diseases and handicapping conditions among children. Additionally programs serve to reduce the need for inpatient and long-term services, to increase the number of children appropriately immunized against disease and the number of low-income children receiving health assessments and follow-up diagnostic and treatment services, and otherwise to promote the health of mothers and infants by providing prenatal, delivery and post-partum care for low-income, at risk pregnant women, and to promote the health of children by providing preventive and primary care services for low-income children.

The State Programs for Children with Special Health Care Needs have as their purpose providing and promoting family-centered, community-based, coordinated care, including care coordination services for children with special health care needs and to facilitate the development of community-based systems of services for such children and their families. The purpose of these programs is also to provide rehabilitation services for blind and disabled individuals under the age of 16 receiving benefits under Title XVI.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 501(a)(b) for the purpose of enabling each State--

(A) to provide and to assure mothers and children (in particular those with low income or with limited availability of health services) access to quality maternal and child health services;

(B) to reduce infant mortality and the incidence of preventable diseases and handicapping conditions among children, to reduce the need for inpatient and long-term care services, to increase the number of children (especially preschool children) appropriately immunized against disease and the number of low income children receiving health assessments and follow-up diagnostic and treatment services, and otherwise to promote health of mothers and infants by providing prenatal, delivery, and postpartum care for low income, at-risk pregnant women, and to promote the health of children by providing preventative and primary care services for low income children;

(2) for the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance, research, and training with respect to maternal and child health and children with special health care needs (including early intervention training and services development), for genetic disease testing, counseling, and information development and dissemination programs, for grants (including funding for comprehensive hemophilia diagnostic treatment centers) relating to hemophilia without regard to age, and for the screening of newborns for sickle cell anemia, and other genetic disorders and follow-up services; and

Case Management Services

SEC. 501(a)(1) for the purposes of enabling each state

(D) to provide and to promote family-centered, community-based, coordinated care (including care coordination services, as defined in subsection (b)(3) for children with special health care needs and to facilitate the development of community-based systems of services for such children and their families;

(3) The term "care coordination services" means services to promote the effective and efficient organization and utilization of resources to assure access to necessary comprehensive services for children with special health care needs and their families.

SEC. 501(a)(3) subject to section 502(b) for the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for developing and expanding the following--

(A) maternal and infant health home visiting programs in which case management services as defined in subparagraphs (a) and (B) of subsection(b)(4), health education services, and related social support services are provided in the home to pregnant women or families with an infant up to the age one by an appropriate health professional or by a qualified nonprofessional acting under the supervision of a health care professional,

(b) For purpose of this title:

(4) The term "case management services" means--

(A) with respect to pregnant women, services to assure access to quality prenatal, delivery, and postpartum care; and

(B) with respect to infants up to age one, services to assure access to quality preventative and primary care services.

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Parent Training
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

SOCIAL SECURITY ACT, TITLE XIX
GRANTS TO STATES FOR MEDICAL ASSISTANCE
SECTIONS 1902(a)(43) and 1905(a)(4)(B)
MEDICAID'S EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT PROGRAM (EPSDT)
(42 U.S.C. 1396a and 1396d)

Medicaid's Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program provides comprehensive and preventive health services to low income eligible children under 21.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 1396a.(a)(43) A State plan for medical assistance must provide for -

(A) informing all persons in the State who are under the age of 21 and who have been determined to be eligible for medical assistance including services described in section 1396d.(a)(4)(B), of the availability of early and periodic screening, diagnostic, and treatment services as described in section 1396d.(a)(4)(B), and 1396(r)

(B) providing or arranging for the provision of such screening services in all cases where they are requested, and

(C) arranging for (directly or through referral to appropriate agencies, organizations, or individuals) corrective treatment the need for which is disclosed by such child health screening services

SEC. 1396d.(a)(4)(B) For purposes of this title the term "medical assistance means payment of part or all of the cost of the following care and services .... effective July 1, 1969, such early and periodic screening and diagnosis of individuals who are eligible under the plan and are under the age of 21 to ascertain their physical or mental defects, and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary...

SEC. 1396(r) The term 'early and periodic screening, diagnostic, and treatment services' means the following items and services:

"(1) Screening services--

"(A) which are provided--

"(i) at intervals which meet reasonable standards of medical and dental practice, as determined by the State after consultation with recognized medical and dental organizations involved in child health care, and

"(ii) at such other intervals, indicated as medically necessary, to determine the existence of certain physical or mental illnesses or conditions; and

"(B) which shall at a minimum include--

"(i) a comprehensive health and development history (including assessment of both of physical and mental health development),

"(ii) a comprehensive unclothed physical exam,

"(iii) appropriate immunizations according to age and health history,

"(iv) laboratory tests (including lead blood level assessment appropriate for age and risk factors), and

"(v) health education (including anticipatory guidance).

"(2) Vision services--

"(A) which are provided--

"(i) at intervals which meet reasonable standards of medical practice, as determined by the State after consultation with recognized medical organizations involved in child health care, and

"(ii) at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or conditions; and

"(B) which shall at a minimum include diagnosis and treatment for defects in vision, including eyeglasses.

"(3) Dental services--

"(A) which are provided--

"(i) at intervals which meet reasonable standards of dental practice, as determined by the State after consultation with recognized dental organizations involved in child health care, and

"(ii) at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or condition; and

"(B) which shall at a minimum, include relief of pain and infections, restoration of teeth, and maintenance of dental health.

"(4) Hearing services--

"(A) which are provided--

"(i) at intervals which meet reasonable standards of medical practice, as determined by the State after consultation with recognized medical organizations involved in child health care, and

"(ii) at such other intervals, indicated as medically necessary, to determine the existence of a suspected illness or condition; and

"(B) which shall at a minimum include diagnosis and treatment for defects in hearing, including hearing aids.

"(5) Such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered under the State plan.

Nothing in this title shall be construed as limiting providers of early and periodic screening, diagnostic, and treatment services to providers who are qualified to provide all of the items and services described in the previous sentence or as preventing a provider that is qualified under the plan to furnish one or more (but not all) of such items or services from being qualified to provide such items and services as part of early and periodic screening, diagnostic, and treatment services.".

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Case Management Services
Parent Training
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

PUBLIC HEALTH SERVICE ACT, TITLE XIX, PART B
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT
(42 U.S.C. 300x - 300x-9)

The Alcohol, Drug Abuse and Mental Health Services Block Grant program provides funds to States to support projects for the development of more effective prevention, treatment and rehabilitation programs and activities in the areas of alcohol and drug abuse, and provides grants to support community mental health centers and for mental health services. Eligibility for services is determined by each State.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 300x-3.(a)(2) Except as provided in subsection (b) and (c) of this section, amounts paid to a State under section 300x-2 of this title and amounts transferred by the State for use under this part may be used by the State for grants to community mental health centers in accordance with section 300x-4(c) of this title and grants to community mental health centers for the provision of the following services:

(A) Services for chronically mentally ill individuals, which include identification of chronically mentally ill individuals and assistance to such individuals in gaining access to essential services through the assignment of case managers.

(B) Identification and assessment of severely mentally disturbed children and adolescents and provision of appropriate services to such individuals.

(C) Identification and assessment of mentally ill elderly individuals and provision of appropriate services to such individuals

Case Management Services

SEC. 300x-3.(a)(2) Except as provided in subsection (b) and (c) of this section, amounts paid to a State under section 300x-2 of this title and amounts transferred by the State for use under this part may be used by the State for grants to community mental health centers in accordance with section 300x-4(c) of this title and grants to community mental health centers for the provision of the following services:

(A) Services for chronically mentally ill individuals, which include identification of chronically mentally ill individuals and assistance to such individuals in gaining access to essential services through the assignment of case managers

Procedural Safeguards

SEC. 300x-4.(c)(12) As part of the annual application required by subsection (a) of this section, the chief executive officer of each State shall certify as follows: That the State has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under this part or by any entity which is receiving payments from the allotment of the State under this part

Advisory Councils

SEC. 300x-4.(e) State mental health services planning council

(1) The State agrees to establish and maintain a State mental health planning council in accordance with this subsection.

(2) The duties of the Council will be --

(A) to serve as an advocate for chronically mentally ill individuals, severely emotionally disturbed children and youth, and other individuals with mental illnesses or emotional problems; and

(B) to monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.

(3) The Council will be composed of residents of the State, including representatives of -

(i) the principal State agencies with respect to -

(I) mental health, education, vocational rehabilitation, criminal justice, housing and social services; and

(II) the development of the plan submitted pursuant to title XIX of the Social Security Act;

(ii) pubic and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;

(iii) chronically mentally ill individuals who are receiving (or have received) mental health services; and

(iv) the families of such individuals...

(4) Not less than 50 percent of the members of the Council will be individuals who are not State employees or providers of mental health services.

...(5) The Council may assist the State in the preparation of the description of intended expenditures required in section 300x-11 of this title

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Parent Training
Other Relevant Activities Involving Families

PUBLIC HEALTH SERVICE ACT, SECTION 330
COMMUNITY HEALTH CENTERS
(42 U.S.C. 254c)

Section 330 of the Public Health Service Act provides grants to support the development and operation of community health centers for the provision of primary health services and supplemental health services including hospital care health services to medically underserved populations.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 254c.(b)(1)(C) For purposes of this section the term "primary health services" means preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services)

Case Management Services

SEC. 254c.(a)(6) For purposes of this section, the term "community health center" means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides patient case management services (including outreach, counseling, referral, and follow-up services)

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Parent Training
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

PUBLIC HEALTH SERVICE ACT, SECTION 329
MIGRANT HEALTH CENTERS
(42 U.S.C. 254b)

The Migrant Health Centers program provides comprehensive primary health care to migrant and seasonal farm workers and their families.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 254b(a)(6)(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services.

Case Management Services

SEC. 254b.(a)(1)(H) For purposes of this section the term "migrant health center" means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides patient case management services (including outreach, counseling, referral, and follow-up services) for migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, within the area it serves (referred to in this section as a "catchment area") and individuals who have previously been migratory agricultural workers but can no longer meet the requirements of paragraph (2) of this subsection because of age or disability and members of their families within the area it serves.

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan
Parent Training
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families

CHILD ABUSE PREVENTION AND TREATMENT
(42 U.S.C. 5101-5106)

The Child Abuse Prevention and Treatment Act provides grants to public agencies or nonprofit private organizations for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect. Assistance is also provided to States to develop and strengthen child abuse and neglect prevention and treatment programs.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Identification and Evaluation

SEC. 5106(c) Discretionary Grants.--In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for the following:

(3) Projects which provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

SEC. 5106a(b) Eligibility Requirements.--In order for a State to qualify for a grant under subsection (a), such State shall--

(1) have in effect State law relating to child abuse and neglect, including--

(A) provisions for the reporting of known and suspected instances of child abuse and neglect; and

(B) provisions for immunity from prosecution under State and local laws for persons who report instances of child abuse or neglect for circumstances arising from such reporting;

(2) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child and of any other child under the same care who may be in danger of abuse or neglect;

(3) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such--

(A) administrative procedures;

(B) personnel trained in child abuse and neglect prevention and treatment;

(C) training procedures;

(D) institutional and other facilities (public and private); and

(E) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with child abuse and neglect cases in the State;

Case Management Services

SEC. 5106a.(f)(3) The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including-

(A) existing social and health services;

(B) financial assistance; and

(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption.

SEC. 5016(c) Discretionary Grants.--In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for the following:

(6)(A) Providing hospital-based information and referral services to--

(i) parents of children with handicaps; and

(ii) children who have been neglected or abused and their parents.

(iv) the provision of appropriate follow-up services to parents of a child described in subparagraph (B) after the child has left the hospital; and

(C)(v) In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for services, as determined as appropriate by the grantee, provided under a grant received under this paragraph shall be hospital-based and shall consist of where necessary, assistance in coordination of community services available to parents of children described in subparagraph(B)

Parent Training

SEC. 5106.(c)(1)(B) In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for training programs to provide instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of children, including parents of and persons who work with children with handicaps

(C) Services, as determined as appropriate by the grantee, provided under a grant received under this paragraph shall be hospital-based and shall consist of--

(i) the provision of notice to parents that information relating to community services is available;

(ii) the provision of appropriate information to parents of a child with handicaps regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child;

(iii) the provision of appropriate information to parents of a child who has been neglected or abused regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child and reduce the possibility of abuse or neglect;

SEC. 5106a.(f)(2) The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for (A) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions including personnel employed in child protective services programs and health-care facilities; and (B) the parents of such infants

Procedural Safeguards

SEC. 5106a.(b)(4) In order for a State to qualify for a grant under subsection (a), such State shall provide for methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians

SEC. 5106a.(b)(6) In order for a State to qualify for a grant under subsection (a), such State shall provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings

SEC. 5106a.(b)(10) In order for a State to qualify for a grant under subsection (a), such State shall have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for

(A) coordination and consultation with individuals designated by and within appropriate health-care facilities;

(B) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

(C) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

Advisory Councils

SEC. 5106c.(c)(1) Except as provided in paragraph (2), a State requesting assistance under this section shall establish or designate a State multidisciplinary task force on children's justice (hereinafter referred to as 'State task force') composed of professionals with knowledge and experience relating to the criminal justice system and issues of child abuse. The State task force shall include

(A) individuals representing the law enforcement community;
(B) judicial and legal officers (including individuals involved with the defense as well as the prosecution of such cases);
(C) child advocates;
(D) health and mental health professionals;
(E) individuals representing child protective service agencies;
(F) individuals experienced in working with children with handicaps;
(G) parents; and
(H) representatives of parents' groups

SEC. 5106c.(d) Before a State receives assistance under this section, the State task force shall --

(1) review and evaluate State investigative, administrative and judicial handling of cases of child abuse, particularly child sexual abuse; and

(2) make recommendations in each of the categories described in subsection (e). The task force may make such other comments and recommendations as are considered relevant and useful.

Other Relevant Activities Involving Families

SEC. 5106.(c)(2) In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for such other innovative programs and projects as the Secretary may approve, including programs and projects for parent self-help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs designed to reach parents of children in populations in which risk is high, that show promise of successfully preventing and treating cases of child abuse and neglect, and for a parent self-help program of demonstrated effectiveness which is national in scope.

In this federal program, there is no statutory language in the Digest for the following components:

Individualized Service Plan

STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT, TITLE VI-A

PUBLIC HEALTH SERVICE ACT, SECTION 340
HEALTH SERVICES FOR THE HOMELESS
CATEGORICAL GRANTS FOR PRIMARY HEALTH SERVICES AND SUBSTANCE ABUSE SERVICES
(42 U.S.C. 256)

Title VI-A of the STEWART B. McKinney Homeless Assistance Act, which is section 340 of the Public Health Service Act authorizes health care services for the homeless through categorical grants for primary health services and substance abuse services.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Procedural Safeguards

SEC. 340(k)(3) The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees to ensure the confidentiality of records maintained on homeless individuals receiving health services under the grant

In this federal program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Individualized Service Plan
Case Management Services
Parent Training
Advisory Councils
Other Relevant Activities Involving Families

STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT, TITLE VI-B
PUBLIC HEALTH SERVICE ACT, TITLE V-C
COMMUNITY MENTAL HEALTH SERVICES FOR THE HOMELESS
(42 U.S.C. 290aa et seq.)

This program provides funds for the provision of community mental health services to homeless individuals who are chronically mentally ill.

STATUTORY PROVISIONS RELATED TO PARENT/FAMILY PARTICIPATION

Individualized Service Plan

SEC. 524(a)(5)(A) The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State agrees that projects receiving amounts pursuant to such section will provide appropriate case management services to homeless individuals, including preparing a plan for the provision of community mental health services to the homeless individual involved and reviewing such plan not less than once every 3 months;

Case Management Services

SEC. 524(a)(5) The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State agrees that projects receiving amounts pursuant to such section will provide appropriate case management services to homeless individuals, including

(A) preparing a plan for the provision of community mental health services to the homeless individual involved and reviewing such plan not less than once every 3 months;

(B) providing assistance in obtaining and coordinating social and maintenance services for the individuals, including services relating to daily living activities, transportation services, and habilitation and rehabilitation services, prevocational and vocational services, and housing services;

(C) providing assistance to the individuals in obtaining income support services, including housing assistance, food stamps, and supplemental security income benefits;

(D) referring the individual for such other services as may be appropriate; and

(E) providing representative payee services in accordance with section 1631(a)(2) of the Social Security Act if the individual is receiving aid under title XVI of such Act and if the applicant is designated by the Secretary to provide such services

In this federal program, there is no statutory language in the Digest for the following components:

Identification and Evaluation
Parent Training
Procedural Safeguards
Advisory Councils
Other Relevant Activities Involving Families